



Board of Adjustment

May 15, 2025 6:30 PM,

Council Chambers - 111 E. Maple Ave.

ALL ITEMS ON THIS MEETING AGENDA ARE CONTINUED TO THE JULY 17, 2025 MEETING DUE TO A LACK OF A QUORUM

PUBLIC HEARING(S)

1. **Continued Case 25-999-04 – 18707 E. 28th Street S** – Variance to setback and screen/fence height requirements.
2. **Case 25-999-06 – 201 E. Partridge Avenue** - Variance to front yard fence height requirements.
3. **Case 25-999-07 – 811 S. Liberty Street** - Variance to setback requirements.

APPROVAL OF MINUTES

1. March 20, 2025 & April 17, 2025

MEETING DATE: May 15, 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 April 28, 2025
- Legal notification published in the Independence Examiner on April 26, 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.

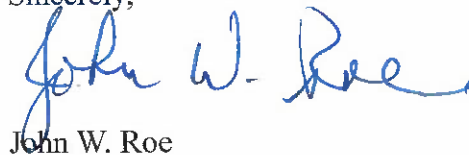
Three things to note: (1) the granting of the variance on the south side of the deck means that there was a finding that all variance criteria were met for the deck (in other words, the Residential Deck Permit was issued for the deck as a whole so the variance request granted for the south side means 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.


 Applicant's Signature Date
 Attorney for applicant
 Mary Wilcox


 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.

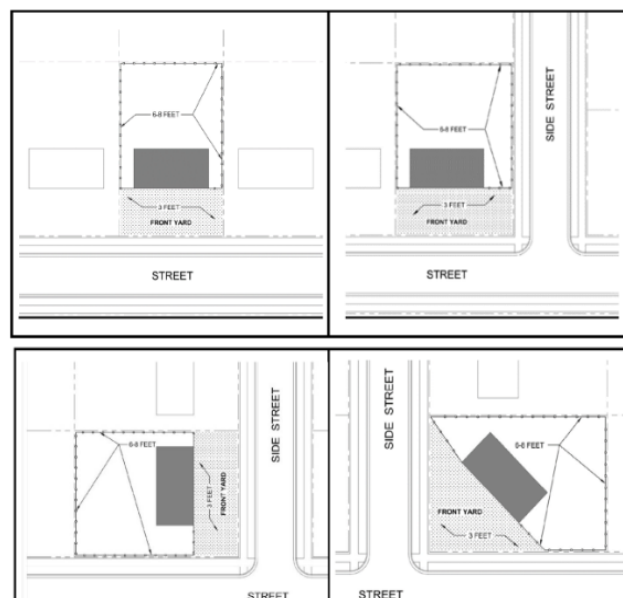
14-400-01-C. Lot and Building Standards.

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: April 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: Variance to the side yard setback and screen/fence
height requirements for a deck

Applicant: Mary Wilcox

Location of Property: 18707 E.28th Street S.

Board of Adjustment Meeting Date: May 15, 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.

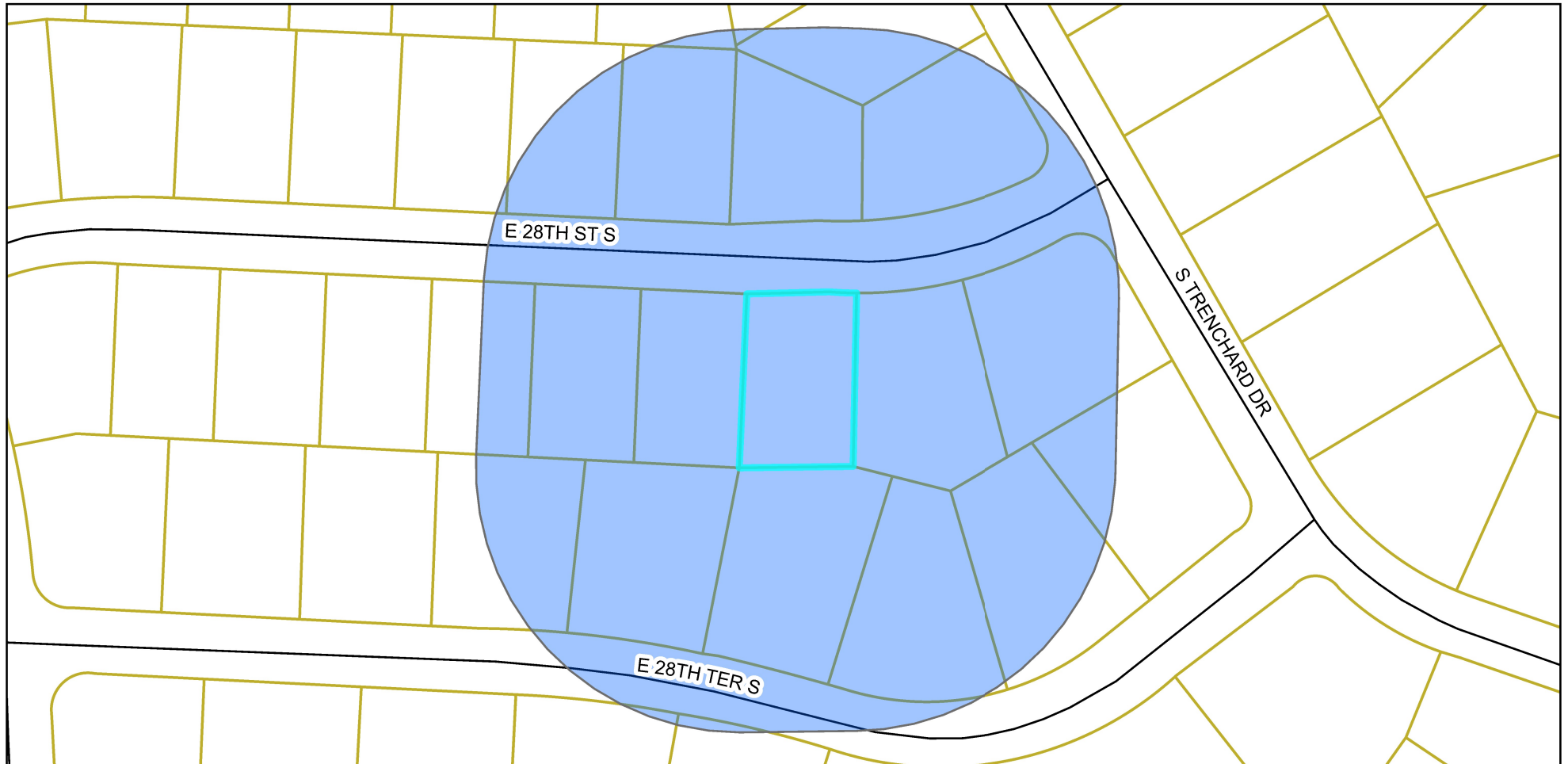
/s/John W. Roe attorney/agent for Applicant
Applicant (or Owner/Agent)

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~~ Clay

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.**

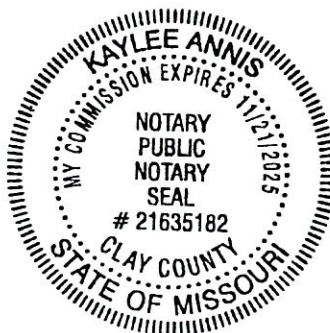
These notices were mailed on the 28th day of April, 2025.

John W. Roe
Signature of Agent, Owner or Attorney

Subscribed and sworn to before me this 29th day of April, 2025.

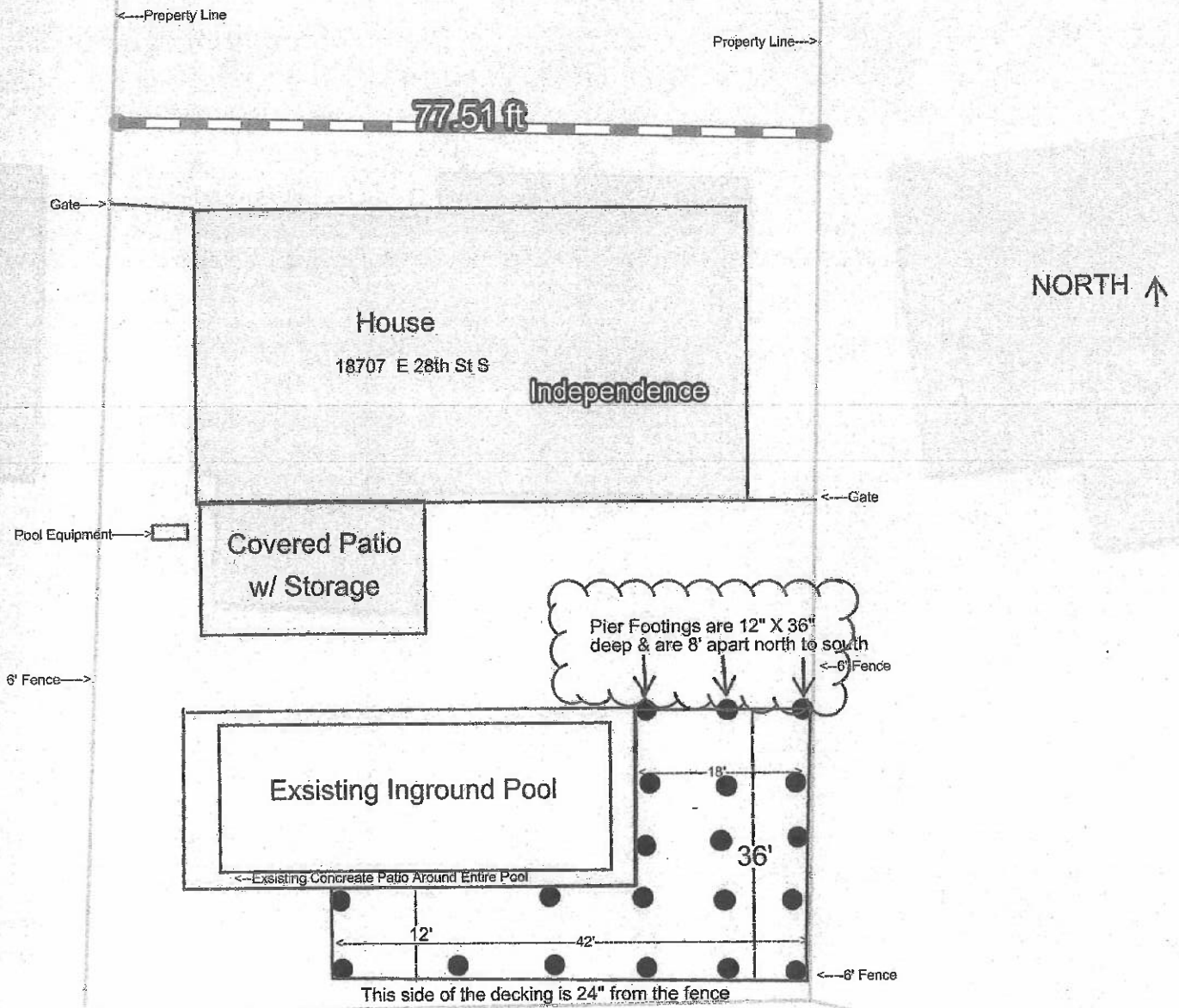
Kaylee Annis
Notary Public

11/21/2025
Commission Expiration Date



Property Address	Property Owner	Owner Address	City	State	ZIP Code
18705 E 28TH TERS	FARR VINCENT S & MARSHA A	18705 E 28TH TERS	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 TERS	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 TERS	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 TERS	DAVIS ZACHARY & SKYLER	18701 E 28TH TERS	INDEPENDENCE	MO	64057
18704 E 28TH ST S	NICCUM SCOTT L & ANGELA L	18704 E 28TH ST S	INDEPENDENCE	MO	64057
18708 E 28TH TERS	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 TERS	HART DENNIS L & PAMELA S	18712 E 28TH TERS	INDEPENDENCE	MO	64057
18704 E 28TH TERS	GRIFFIN TROY D & DEBRA S	18704 E 28TH TER	INDEPENDENCE	MO	64057
18804 E 28TH TERS	DIGIROLAMO WENDY R & JOSEPH B	18804 E 28TH TERS	INDEPENDENCE	MO	64057
18709 E 28TH ST S	DEVINS JOHN	18709 E 28TH ST S	INDEPENDENCE	MO	64057
18700 E 28TH ST S	HINRIKSEN 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 TERS	ROBISON ELAINE M	18800 E 28TH TERS	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

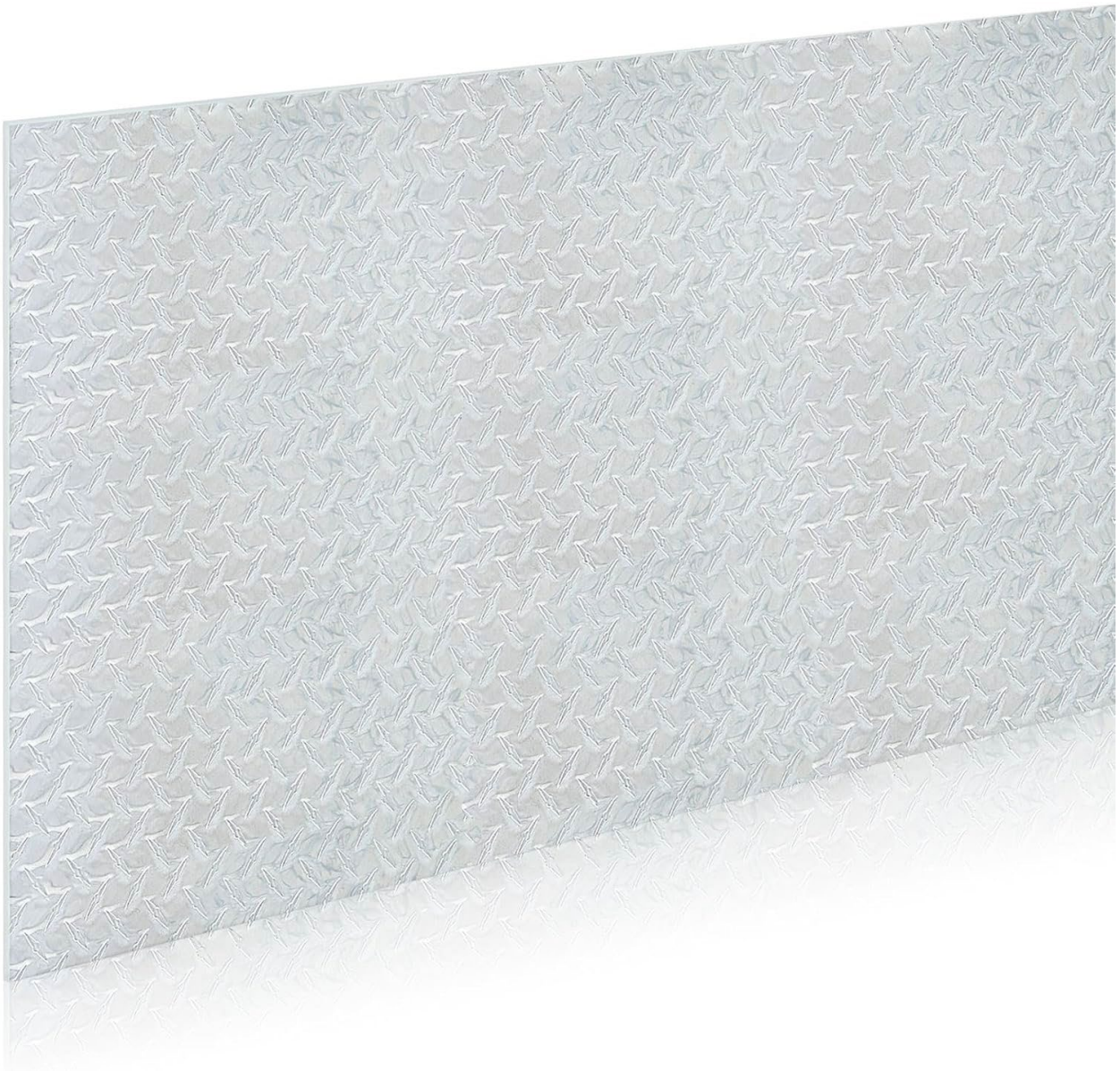


CLOSED

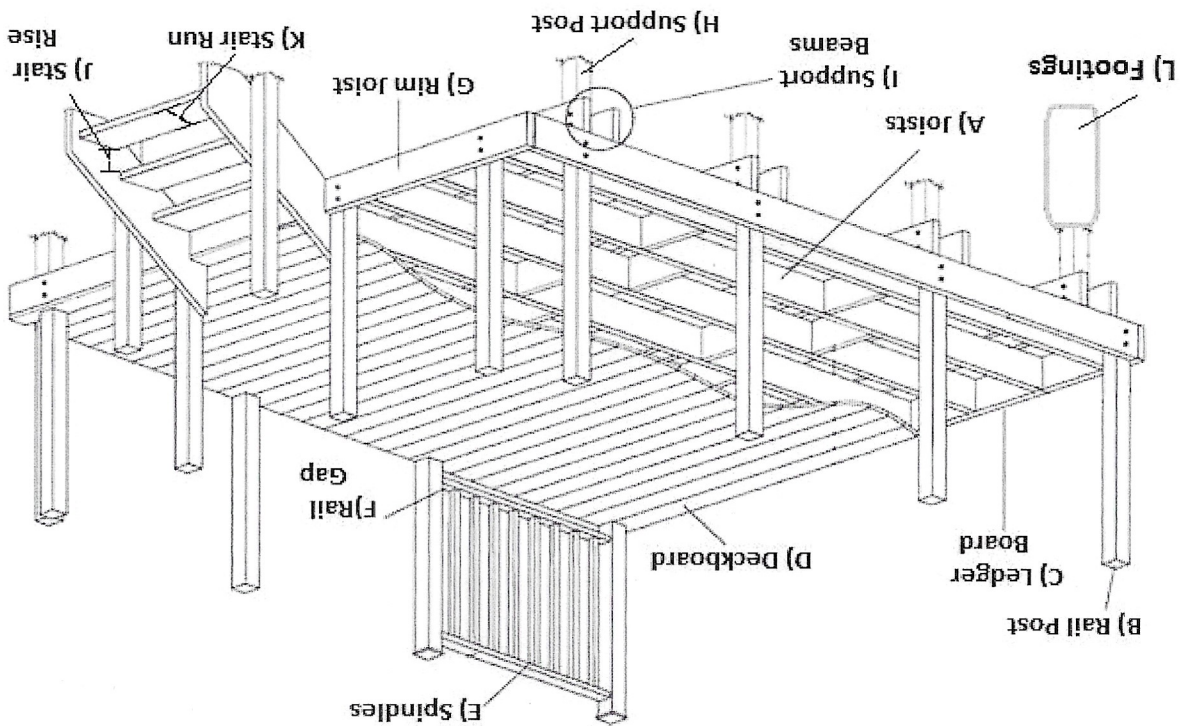




Gisafai 24 x 48 Inches Aluminum Diamond Tread Plate Sheet Metal Aluminum



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

D. DECKING

Size 1×6 Attachment Method ☐ nails ☒ screws

E. SPINDLES

Size N/A Material Type ☒ Wood ☐ metal

F. RAIL GAP

Spacing $3 \frac{1}{2}$ (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 $2 \times$ the post size)

M. HEIGHT

4.0 " (Distance from grade to walking surface of the deck)

I, Mary Wilcox agree to construct the deck per the 2018 IRC.

Signature

Date

8/9/24

Depth 36 " (Minimum 36 ")

MEETING DATE: May 15, 2024

STAFF: Brian L. Harker, Senior Planner

PROJECT NAME: Front Yard Fencing Standards

CASE NUMBER: 25-999-06 – 201 E. Partridge Avenue – Variance to the Front Yard Commercial Fencing Heights

APPLICANT/OWNER: Vlad Skots

PROPERTY ADDRESS: 201 E. Partridge Avenue

SURROUNDING ZONING/LAND USE:

North:	C-1 (Neighborhood Commercial) R-18/PUD (Moderate Density Residential/Planned Unity Development)	Restaurant Condominiums
South:	C-2 (General Commercial)	Kansas City Southern Railroad Auto Dealership
East:	R-18/PUD (Moderate Density Residential/Planned Unit Development)	Bellevista Condominiums
West:	C-1 (Neighborhood Commercial)	Vacant

PUBLIC NOTICE:

- Notification letters sent out to property owners within 185 feet on April 22, 2025.
- Legal notification published in the Independence Examiner on April 26, 2025.

VARIANCE REQUEST

CITY CODE REQUIREMENTS/VARIANCES:

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 subject site is composed of a portion of Lot 9 of the Commissioners' Plat of Oldham Estates (recorded in 1910), and an unplatted tract of land. It is ±55,078 ft² (1.23 ac) in size.

Upon adoption of the Zoning Ordinance, in 1965, the subject site was designated an M-1 (Light Manufacturing) zoning classification. City Council adopted Ordinance No. 4831, in December of

1977, amending the zoning classification of the subject site to C-P-1 (Planned, Neighborhood Commercial) and R-P-3 (Planned, Moderate Density Residential). The zoning district boundary related to this rezoning bisected the subject site.

Real estate records indicate the subject site was developed in 1986 and consists of a four-story building containing $\pm 30,300$ ft² of floor area. The site is supplied with ± 87 parking spaces.

Upon the adoption of the Unified Development Ordinance, in 2009, the zoning classification for the subject site was updated to C-1 (Neighborhood Commercial) and R-18/PUD (Moderate Density Residential). The zoning classification of the subject site has remained a mix of commercial/residential since City Council adopted Ordinance No. 4831 in 1977.

The applicant is requesting relief from use-regulations for commercial properties prohibiting fences from extending beyond the building line of the principal structure. In doing so the application seeks to secure their property/parking lot.

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, this is true. The office building is located along the Southern property boundary, recessed from the right-of-way making compliance with the Development Code difficult.*
2. **The requested variance will not adversely affect the rights of adjacent property owners or residents.** *Yes, this is true. Construction of a wrought iron fence will not adversely affect the rights of adjacent property owners. Existing screening along the Eastern property boundary should remain opaque, in accordance with Section 14-503-07.*
3. **Requiring strict compliance with the subject zoning regulation will constitute a practical difficulty for the subject property owner.** *Yes, this is true. The existing building is recessed from the right-of-way on the Southern property boundary. The existing configuration of the site makes it difficult for the applicant to secure their 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 would enhance public safety.*

5. **The alleged hardship has not been created by any person presently having an interest in the property.** *Yes, this is true. The property owner is not responsible for the original development of the site.*
6. **The variance, if granted, will not alter the essential character of the neighborhood.** *Yes, this is true. Erection of a wrought iron fence will not alter the character of the neighborhood. However, an opaque screen along the Eastern property boundary, abutting a multifamily development, should remain, in accordance with Section 14-503-07.*

EXHIBITS

1. Narrative
2. Application and
3. Applicants Variance Criteria
4. Code Section
5. Notification letter
6. Addresses
7. Notification Area Map
8. Mailing affidavit
9. Site Plan
10. Aerial Imagery



Commercial/Industrial/Flex/Retail/Office/Land/Investment Realtors and Property Management

President
Myron W. Haith

Managing Principal
Joshua S. Haith

Bond Business Center
11415 W. 87th Terrace
Overland Park, KS 66214-3212
(913) 888-3456
FAX: (913) 888-6607
www.haith.com

Cover Sheet

RE: This letter certifies as a general description of the items contained in the variance application.

VS Capital, owner of 201 E. Partridge, wishes to install a perimeter fence to protect the interests of the property, tenants and staff. The property has faced numerous challenges with regards to homeless people trespassing and damaging the property constantly. This has cost the owner significant monetary damage. In addition, the tenants onsite have voiced concerns regarding the homeless approaching their clients and staff.

In order to keep the onsite staff and tenants safe, as well as protect the owner's asset, a perimeter fence is necessary.

Thank you
Vlad Skots
571-243-2100
cdino@haith.com



Planning and Zoning

Application Form

Community Development
111 E. Maple Avenue
Independence, MO 64050
(816) 325-7421
cdplanning@indepmo.org

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

Plaza 201 Perimeter Fence

Project Name

201 E. Partridge Ave Independence, MO

Project Address/Location

55,078	1.26	1	No
Sq. Ft. of Building	Acreage	Number of Lots/Tracts	Stream Buffer (Yes or No)
Commercial	N/A	Commercial	N/A
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

Vlad Skots	USKO, Inc.
Name	Company
11415 W 87th terr Overland Park, KS 66214	
Address	
913-888-3456	cdino@haith.com
Phone	Email

Architect/Engineer/Surveyor/Other: N/A

Name	Company
Address	
Phone	Email

Owner

Vlad Skots	VS Capital, LLC
Name	Company
11415 W 87th terr Overland Park, KS 66214	
Address	
913-888-3456	cdino@haith.com
Phone	Email

Architect/Engineer/Surveyor/Other: N/A

Name	Company
Address	
Phone	Email

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

Vladimir Skots 04/07/2025
Applicant's Signature Date

Vladimir Skots 04/07/2025
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: This property is vulnerable to homeless encampments as it backs up to a wooded area which is attractive to those seeking shelter. The property is also adjacent to the train tracks which further brings in homeless members. Additionally, gun shots have hit the building due to crossing over from the property to the south where the wooded area is.

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

☒ Yes ☒ No

Explain: The perimeter fence will not affect the adjacent neighbors

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 strict compliance of the zoning regulation, the owner is not able to secure the property, it's staff and tenants. The fence is necessary to protect the property and people on site.

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

☒ Yes ☒ No

Explain: N/A

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

☒ Yes ☐ No

Explain: N/A

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

☒ Yes ☐ No

Explain: N/A

Code Section

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.

Property Owner Notification Letter

City of Independence, Missouri

Date: 4/22/2025

Case No. 25-999-05

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: Owner proposes to install a 6 foot rod-iron perimeter fence

Applicant: VS Captial

Location of Property: 201 E. Partridge Ave

Board of Adjustment Meeting Date: May 15th, 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.


Applicant (or Owner/Agent)

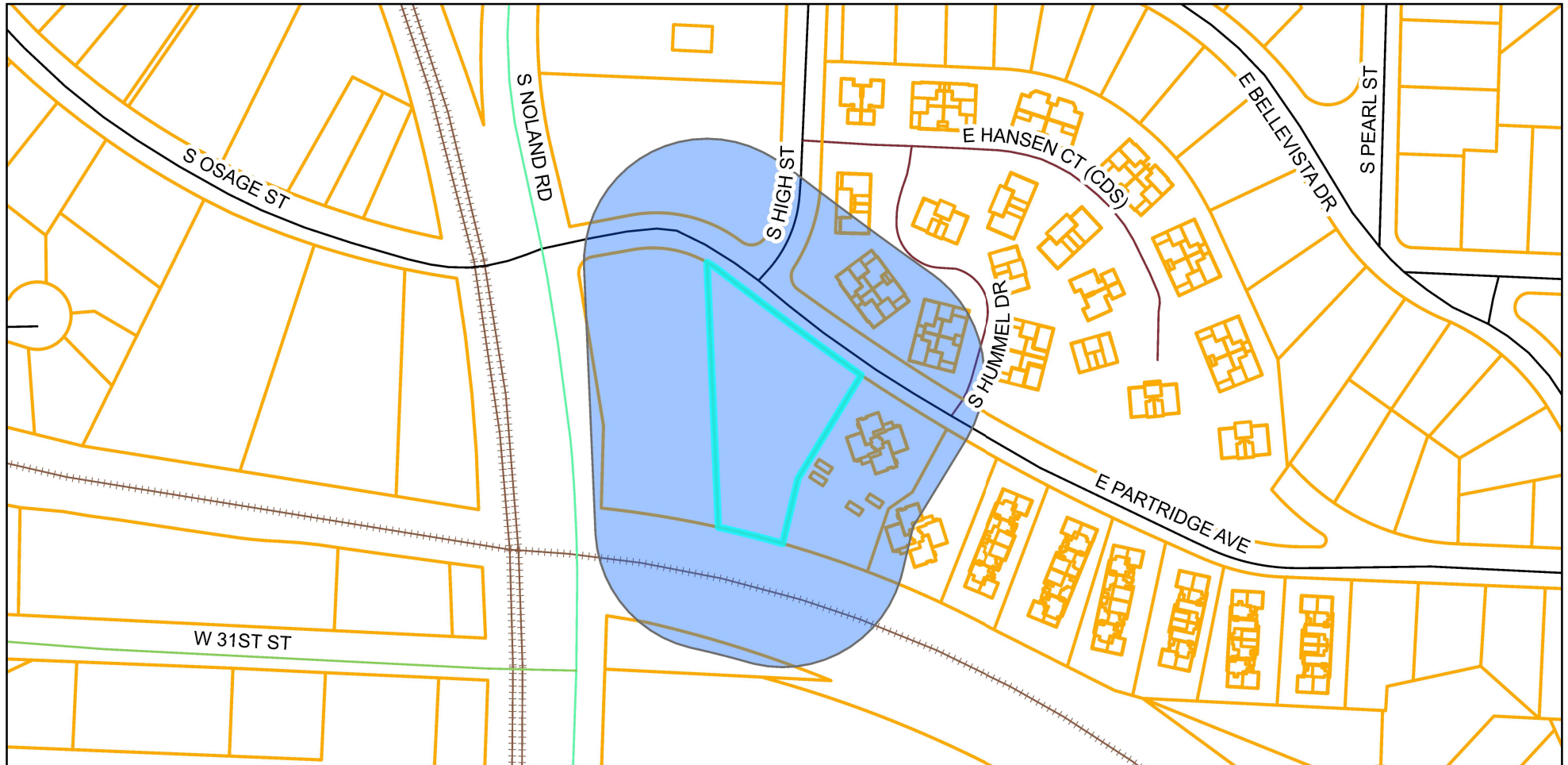
For more information, contact the Community Development Department at 816-325-7421.

Property Address	Property Owner	Owner Address	City	State	ZIP Code
2002 S HUMMEL DR	OSIEK BRIAN M & SHERRY L	17303 E 6TH TER CT N	INDEPENDENCE	MO	64056
2003 S HIGH ST	PITTS EVELYN L	2003 S HIGH ST UNIT 30	INDEPENDENCE	MO	64055
2004 S HUMMEL DR	ELGAN CONNIE LE	2004 S HUMMEL DR	INDEPENDENCE	MO	64055
2005 S HIGH ST	PREJEAN DOROTHY	2005 S HIGH ST	INDEPENDENCE	MO	64055
2006 S HUMMEL DR	DOWNEY DONNA L	2006 S HUMMEL DR	INDEPENDENCE	MO	64055
2007 S HIGH ST	HATTON CINDY LANE	2007 S HIGH ST	INDEPENDENCE	MO	64055
2008 S HUMMEL DR	NICHOLAS SANDRA MICHELLE & ROBERT JR	2008 S HUMMEL DR	INDEPENDENCE	MO	64055
201 E PARTRIDGE ST	VS CAPITAL LLC	11290 POINT EAST DR STE 200	RANCHO CORDOVA	CA	95742
2010 S HUMMEL DR	COGBURN DEBORAH & WILLIAMSON PAUL	2010 S HUMMEL DR	INDEPENDENCE	MO	64055
2012 S HUMMEL DR	MCGRAW CAROL R-TRUSTEE	2012 S HUMMEL DR	INDEPENDENCE	MO	64055
2014 S HUMMEL DR	WILLIAMS JULIA M	2014 S HUMMEL DR	INDEPENDENCE	MO	64055
220 E PARTRIDGE ST	JOY SUZIE TRUST DATED 04/14/2017	220 E PARTRIDGE ST	INDEPENDENCE	MO	64055
222 E PARTRIDGE ST	REEDER SHARLEEN	222 E PARTRIDGE ST	INDEPENDENCE	MO	64055
230 E PARTRIDGE ST	ASHLEY VERONICA	230 PARTRIDGE AVE	INDEPENDENCE	MO	64055
232 E PARTRIDGE ST	LESH RALPH F & LESH JANIS D	232 E PARTRIDGE ST	INDEPENDENCE	MO	64055
2931 S NOLAND RD	LIANG PROPERTY LLC	2931 S NOLAND RD	INDEPENDENCE	MO	64055
3001 S NOLAND RD	RLDS/CHURCH OF JESUS CHRIST	1001 W WALNUT ST	INDEPENDENCE	MO	64050
301 E PARTRIDGE ST	FISHER TIMOTHY	303 E PARTRIDGE AVE # 1 UNIT 45	INDEPENDENCE	MO	64055
301 E PARTRIDGE ST	GAMBLE JOHN S	301 PARTRIDGE	J INDEPENDENCE	MO	64055
301 E PARTRIDGE ST	STICKNEY DEBRA	301 E PARTRIDGE ST APT L	INDEPENDENCE	MO	64055
301 E PARTRIDGE ST UNIT A	HAMILTON RICHARD G	301 E PATRIDGE APT A	INDEPENDENCE	MO	64055
301 E PARTRIDGE ST UNIT B	O'ROURKE BETTY J & HOLM LINDA	301 E PARTRIDGE AVE UNIT B	INDEPENDENCE	MO	64055
301 E PARTRIDGE ST UNIT C	PETERS DEBRA A	301 E PARTRIDGE ST	C INDEPENDENCE	MO	64055
301 E PARTRIDGE ST UNIT D	STARKE GARY R	301 E PARTRIDGE AVE UNIT D	INDEPENDENCE	MO	64055
301 E PARTRIDGE ST UNIT E	CARMICHAEL DEBORA L	301 E PARTRIDGE ST UNIT 29	INDEPENDENCE	MO	64055
301 E PARTRIDGE ST UNIT F	SIMCOSKY MARK A & PATRICIA E	301 E PARTRIDGE ST	INDEPENDENCE	MO	64055
301 E PARTRIDGE ST UNIT G	NASH NANNETTA B	301 E PARTRIDGE G	INDEPENDENCE	MO	64055
301 E PARTRIDGE ST UNIT H	CALDERONE STEPHEN	301 E PARTRIDGE AVE UNIT H	INDEPENDENCE	MO	64055
301 E PARTRIDGE ST UNIT I	EGGERS MARGARET L	301 E PARTRIDGE AVE APT 1	INDEPENDENCE	MO	64055
301 E PARTRIDGE ST UNIT J	GAMBLE JOHN S	301 E PARTRIDGE AVE # J	INDEPENDENCE	MO	64055
301 E PARTRIDGE ST UNIT K	KIMBROUGH FRANKLIN D & SUZANNE B	11288 COUNTY ROAD 99	LILLIAN	AL	36549
301 E PARTRIDGE ST UNIT L	STICKNEY DEBRA	301 E PARTRIDGE ST APT L	INDEPENDENCE	MO	64055
303 E PARTRIDGE AVE UNIT L	ROUSH GARY D	303 E PARTRIDGE AVE UNIT L	INDEPENDENCE	MO	64055
303 E PARTRIDGE ST UNIT A	DAVIS DIANE M	303 E PARTRIDGE ST	INDEPENDENCE	MO	64050
303 E PARTRIDGE ST UNIT D	FENSOM WILLIAM F & GEORGIANNA F	303 E PARTRIDGE AVE	INDEPENDENCE	MO	64055
303 E PARTRIDGE ST UNIT E	EHRLICH DONALD B & NANCY M	303 PARTRIDGE AVE E	INDEPENDENCE	MO	64055
303 E PARTRIDGE ST UNIT H	ANDRADE ANTONIO OMAR SOLORZANO	303 E PARTRIDGE UNIT H	INDEPENDENCE	MO	64055
303 E PARTRIDGE ST UNIT I	FISHER TIMOTHY	303 E PARTRIDGE AVE # 1 UNIT 45	INDEPENDENCE	MO	64055
3101 S NOLAND RD	3101 S NOLAND INDEPENDENCE LLC	7450 E PROGRESS PL	GREENWOOD VILLAGE	CO	80111
CA RESIDENTIAL	BELLEVISTA CONDOMINIUM ASSOC	1354 FRANKLIN ST	ALTAMONTE SPRINGS	FL	32701-7924
CA RESIDENTIAL	BELLEVISTA CONDO ASSOC	311 E PARTRIDGE AVE	INDEPENDENCE	MO	64055

Notification Area Map

201 E Partridge Ave

Case #25-999-06



Legend

-  Notification Area
-  Parcels



0 125 250 500 Feet

Prepared For: Board of Adjustment
Meeting Date: May 15, 2025

Property Owner Notification Affidavit

STATE OF MISSOURI

COUNTY OF JACKSON

Case No. 25-999-05

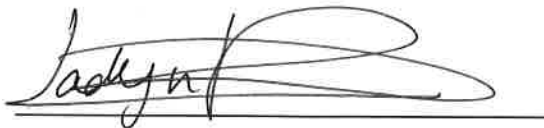
I, Censly Dio, of lawful age being first duly sworn upon oath, state:

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

These notices were mailed on the 24 day of April, 2025.


Signature of Agent, Owner or Attorney

Subscribed and sworn to before me this 24 day of April, 2025.

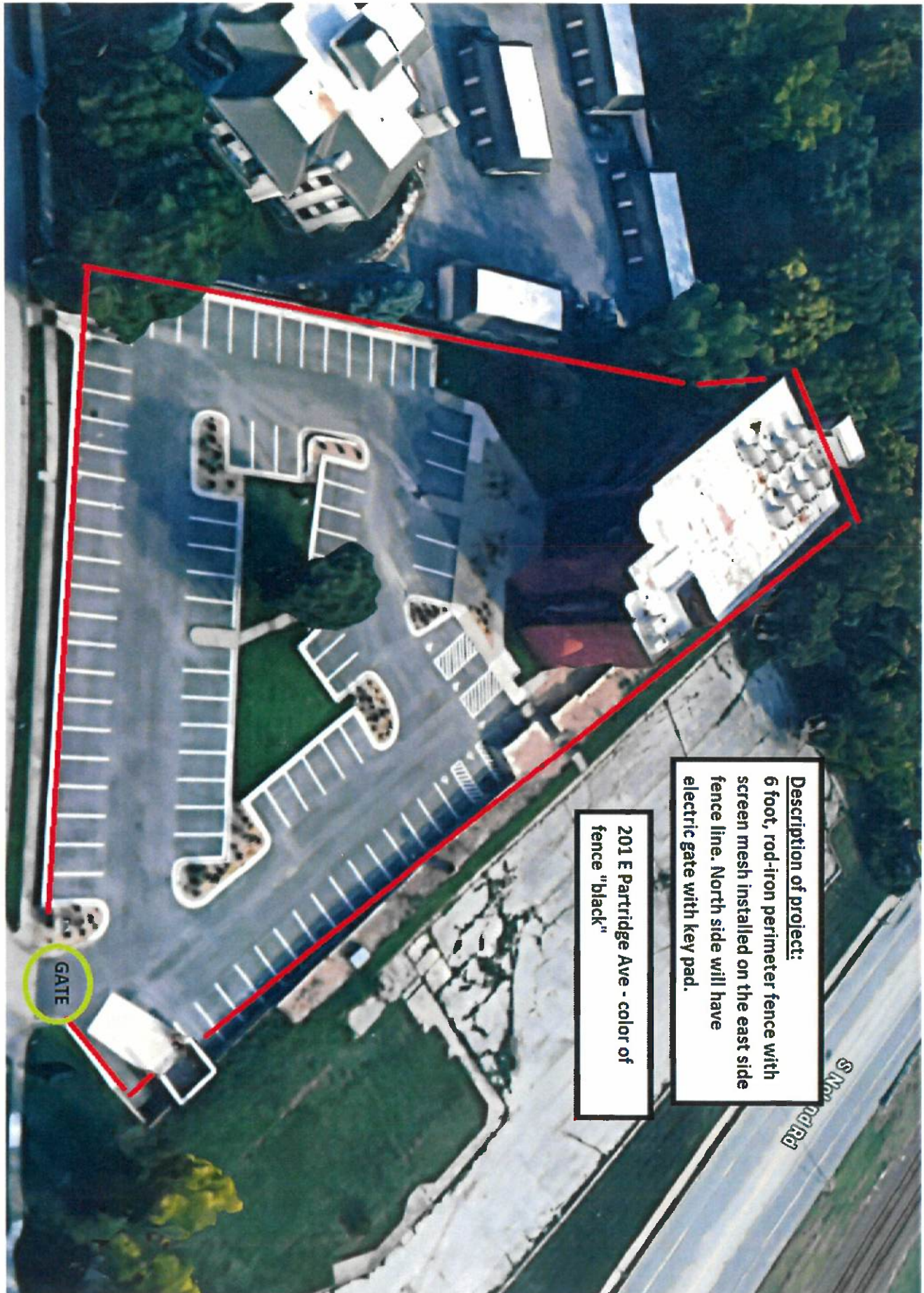


Notary Public



Commission Expiration Date

#021-009



Description of project:
6 foot, rod-iron perimeter fence with screen mesh installed on the east side fence line. North side will have electric gate with key pad.

201 E Partridge Ave - color of fence "black"

MEETING DATE: May 15, 2025

STAFF: Gabe Glaser, Planner

PROJECT NAME: Shed Setback Variance at 811 S Liberty

CASE NUMBER: **Case 25-999-07 – 811 S. Liberty Street** - Variance to setback requirements

APPLICANT: Candice McGlone & John Anthony Schuller

OWNER: Candice McGlone & John Anthony Schuller

PROPERTY ADDRESS: 811 S Liberty St

SURROUNDING ZONING/LAND USE:

North: R-6 (Single Family Residential) / Single Family Residence

South: R-6 (Single Family Residential) / Single Family Residence

East: R-6 (Single Family Residential) / Single Family Residence

West: R-6 (Single Family Residential) / Single Family Residence

PUBLIC NOTICE:

- Notification letters sent out to property owners within 185 feet on April 24, 2025
- Legal notice was published in the Independence Examiner on April 26, 2025

VARIANCE REQUEST

CITY CODE REQUIREMENTS/VARIANCE:

SECTION 14-400-01-C. 4. requires accessory structures to be separated from all other structures by at least ten (10) feet.

The applicant's preliminary plans indicate the proposed accessory structure will be 4 feet from the principal structure.

BACKGROUND:

The subject property is composed of a combination of multiple lots in the Barnes Place Subdivision, originally platted in 1888. More specifically, the property can be described as parts of lots 12, and 13 of Barnes Place. The subject site has a width of ±47 feet and a depth of ±135 feet. Real estate records indicate the principal structure was constructed in 1915. County records indicate the applicant obtained ownership of the subject property in 2013.

The applicant requests a variance to the building separation requirements for accessory structures due to the existing configuration of the property. There are two existing accessory structures on the subject site. The applicant proposes to replace the Western accessory structure closest to the house. The side and rear yard area available to the property owner limits the size and location of their proposed replacement accessory structure.

ANALYSIS

Comprehensive Plan Guiding Land Use Principles:

The City's Comprehensive Plan designates Residential Uses for this property. Imagine Independence Comprehensive Plan 2040 provides a policy to, "Encourage reinvestment in our existing neighborhoods"

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 existing parcel is composed of a combination of two platted lots in the Barnes Place Subdivision. As such, the property lines limit development. However, there is ample room to relocate the proposed accessory structure elsewhere on the property. If a different location was chosen, there would be no need for a variance;*
2. The requested variance will not adversely affect the rights of adjacent property owners or residents. *Yes, the proposed variance will comply with all other provisions of the Development Ordinance and would not appear to affect the rights of adjacent properties;*
3. Requiring strict compliance with the subject zoning regulation will constitute a practical difficulty for the subject property owner. *No, the planned structure could be located elsewhere on the property given the current configuration of structures;*
4. The requested variance will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare. *Yes, the proposed accessory structure will not adversely affect the surrounding neighborhood.*
5. The alleged hardship has not been created by any person presently having an interest in the property. *No, the applicant is requesting a variance due to the desire to replace an accessory structure.*
6. The variance, if granted, will not alter the essential character of the neighborhood. *Yes, this is true. The variance, if granted, will not alter the essential character of the neighborhood.*

The request does not meet all six of the above-mentioned hardships or facts for the variances listed in the City Code for consideration.

EXHIBITS

1. Narrative
2. Code Section
3. Application
4. Applicants' Variance Criteria
5. Notification letter
6. Notification addresses
7. Notification area map
8. Mailing affidavit
9. Applicants' Supplement A
10. Applicants' Supplement B
11. Applicants' Site Plan

We are wanting to build a new shed on an existing foundation.

The proposed new 12'W x 16' L shed will sit on a 12x24' U shaped concrete footing from a previous detached garage. This might have been original to the home as most of our neighbors have similar garages.

It will be 8 feet shorter than the footing, leaving 4' of space between the shed & home, which is where the need for a variance comes in.

The sidewalls of the shed are 8' in height.

The property line to the left(facing shed) is over 6' away.

It will be over 10' from all other structures.

It will be built by TuffShed, using standard materials of wood, LP siding and asphalt shingles.

It will be painted to match the home exactly. Grey body, white trim, navy blue accent.

Premier Pro Tall Barn - 12' wide by 16' long



Case #25-999-07 - City Code Section

14-400 - ACCESSORY USES AND STRUCTURES

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

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

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

12' x 16' Shed Setback Variance at 811 S Liberty

Project Name

811 S. Liberty Independence, MO 64050

Project Address/Location

192

Sq. Ft. of Building	Acreage	Number of Lots/Tracts	Stream Buffer (Yes or No)
Existing Zoning	Proposed Zoning	Existing Land Use	Proposed Land Use

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

Candice McGlone & John- Anthony Schuller

Name Company

811 S Liberty Independence, MO 64050

Address

816-490-0675 candiedjams@aol.com

Phone Email

Architect/Engineer/Surveyor/Other:

Tim Ash TuffShed

Name Company

1719 S Noland Rd.

Address

816-392-9773 tash@tuffshed.com

Phone Email

Owner

Candice McGlone & John- Anthony Schuller

Name Company

811 S Liberty Independence, MO 64050

Address

816-490-0675 candiedjams@aol.com

Phone Email

Architect/Engineer/Surveyor/Other:

Name Company

Address

Phone Email

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

Candice McGlone & John- Anthony Schuller 4-16-25
Applicant's Signature Date

Candice McGlone & John- Anthony Schuller 4-16-25
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: This is kinda a yes and no question. In our neighborhood, many of the older homes have the old smaller detached garages. They are especially common in the 1st district. Several of our neighbors have them. Our's just happens to not be there anymore, so that is unique to our property. Our home is over 100 years old and I believe has had additions over time. None we have done, however this extended the home closer to the existing footing. The footing of the old detached garage seems to have been there for many decades. Again, none of these things were done by us, intentionally or otherwise. They're just the issues we're trying to navigate with our older home.

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

☐ *Yes ☐ No

Explain: Correct, it will not in the least affect our neighbors, it's in our backyard, out of the way. There's already a shed there, this will just be bigger. It will block nothing, not impede on their property, nor will it negatively impact any of our neighbors.

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

☐ *Yes ☐ No

Explain: I'm not sure if this is a "zoning" regulation, but if so, yes, not building on the existing footing will cause much difficulty and added costs. It will also not allow us to build the size shed we sorely need. The 10ft setback requirement will force us to go to a much smaller shed, which will not fill our needs. We actually need a shed bigger than 12'x16', but this is what will fit on the existing foundation, without overlapping the home and giving us ample room to walk into the backyard.

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

☐ *Yes ☐ No

Explain: Correct, nothing about this will affect any of those important criteria. It will simply allow us to build our shed 6ft closer to our home, on an already existing foundation.

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

☐ * Yes ☐ No

Explain: Correct. This is needed because we are in desperate need of more space. Mainly because we're huge holiday people & decorate our home to show our love for the seasons/holidays. This will primarily hold holiday decorations. Our basement has the oddest staircase & it's beyond difficult to get the totes up from the basement. And it's also too much to store in our unfinished small basement, we're out of space. It's very much a hardship we need to rectify, and hope to with your help.

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

☐ * Yes ☐ No

Explain: Correct, the shed is just a standard shed from TuffShed. It will improve the character of the neighborhood in our opinion. It will be painted with the exact paint colors our home is, grey, white, and blue. We take a ton of pride in our home and we guarantee it will look great.

Property Owner Notification Letter

City of Independence, Missouri

Date: 04-24-2025

Case No. 25-999-07

Dear Property Owner:

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

Proposed project description: Variance requested for 10' setback rule.

Property Owner wants to place a new 12' x 16' shed less than 10 feet from their home.

Applicant: Candice McGlone & John-Anthony Schuller

Location of Property: 811 S Liberty St. Independence, MO 64050

Board of Adjustment Meeting Date: May 15th, 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.

Candice McGlone & John-Anthony Schuller

Applicant (or Owner/Agent)

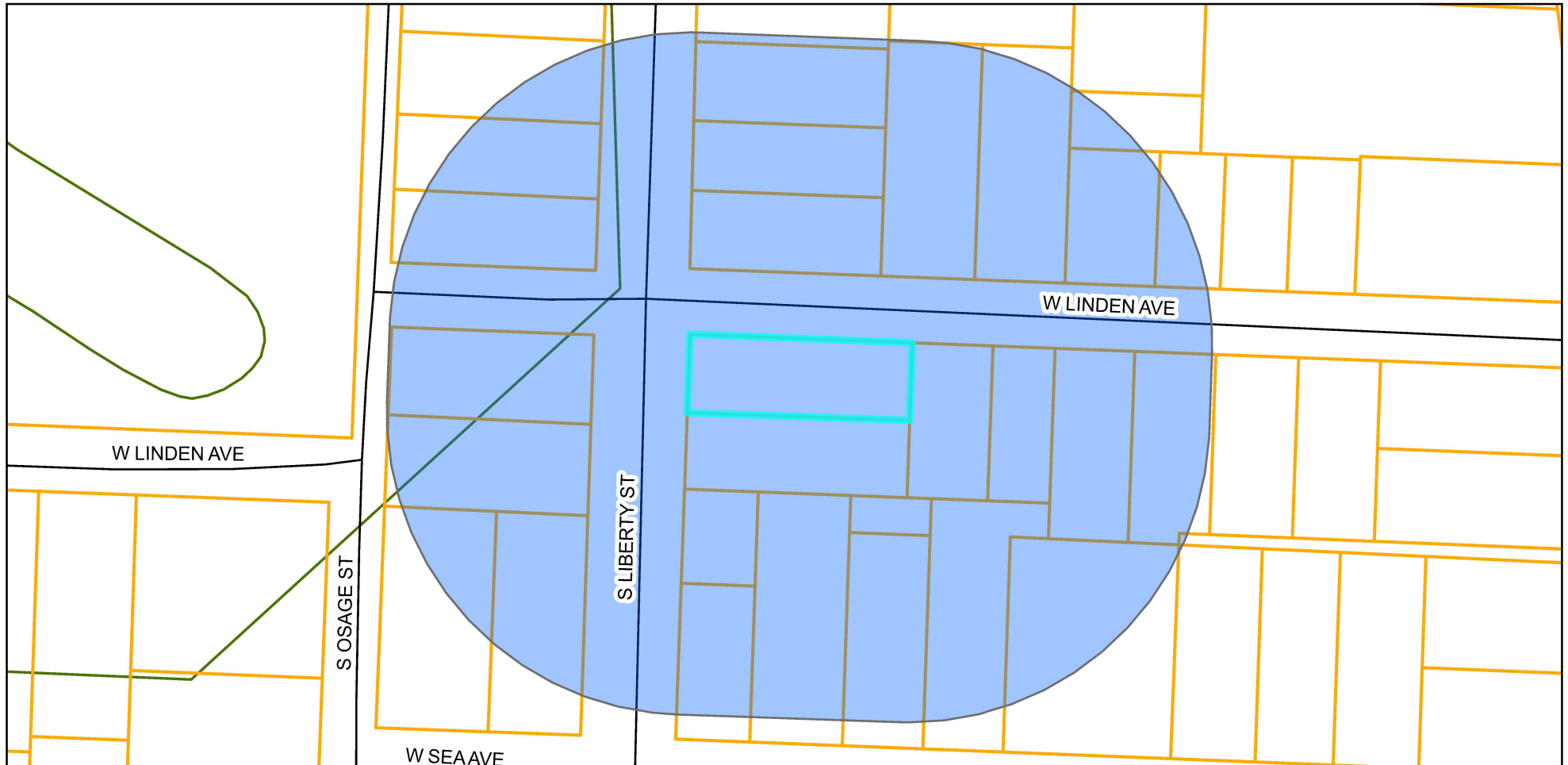
For more information, contact the Community Development Department at 816-325-7421.

Property Address	Property Owner	Owner Address	City	State	ZIP Code
117 W RUBY AVE	ROTHENBERG-HENRIKSON LIVING TRUST 07/10/2018	624 E 61ST TER	KANSAS CITY	MO	64110
119 W LINDEN AVE	CEDILLO CHRISTIAN JEFFREY & MARIA BLANCA AYDE LAINE	119 W LINDEN AVE	INDEPENDENCE	MO	64050
120 W LINDEN AVE	MCDANIEL ROBERT J & RIGGS RAVEN	120 W LINDEN AVE	INDEPENDENCE	MO	64050
122 W LINDEN AVE	DEATON TRUST AGREEMENT DATED DECEMBER 12, 2023	4409 SE SECRETARIAT DR	LEES SUMMIT	MO	64082
122 W SEA AVE	AHOLT AMY	122 W SEA AVE	INDEPENDENCE	MO	64050
124 W LINDEN AVE	DEATON TRUST AGREEMENT DATED DECEMBER 12, 2023	4409 SE SECRETARIAT DR	LEES SUMMIT	MO	64082
128 W SEA AVE	NELSON TREVOR & ERYEN	128 W SEA AVE	INDEPENDENCE	MO	64050
129 W LINDEN AVE	JULIAN JACKLYN L	129 W LINDEN AVE	INDEPENDENCE	MO	64050-4409
131 W LINDEN AVE	LATTA CAROL L	PO BOX 1025	BLUE SPRINGS	MO	64013
132 W LINDEN AVE	T SAUK SFR LLC	PO BOX 1778	HIGLEY	AZ	85236
132 W SEA AVE	CLEMENTS SHELBY	132 W SEA AVE	INDEPENDENCE	MO	64050
133 W LINDEN AVE	LAPENA VICTOR M ROBLES DE	4738 HEINTZ ST	KANSAS CITY	MO	64133
134 W LINDEN AVE	SAPP MICHAEL C JR & JENNIFER L	731 S LIBERTY ST	INDEPENDENCE	MO	64050
134 W SEA AVE	RODRIGUEZ CHRISTOPHER WILLIAM	134 W SEA AVE	INDEPENDENCE	MO	64050
138 W SEA AVE	COPP ALYSON	138 W SEA AVE	INDEPENDENCE	MO	64050
140 W SEA AVE	GILBERT BARBARA JO	140 W SEA	INDEPENDENCE	MO	64050
200 W SEA AVE	ADAMS DAMION L & TOMBLINSON ARIKA D	200 W SEA AVE	INDEPENDENCE	MO	64050
204 W SEA AVE	COX GORDON L JR	204 W SEA	INDEPENDENCE	MO	64050
724 S LIBERTY ST	SETTLE PAULA J	724 S LIBERTY ST	INDEPENDENCE	MO	64050
725 S LIBERTY ST	TODOROVA VANIA	725 S LIBERTY ST	INDEPENDENCE	MO	64050
726 S LIBERTY ST	MIDLAND TRUST COMPANY	1165 OLD CHASE AVE	EL CAJON	CA	92020
727 S LIBERTY ST	KIRKHAM CECILE M TRUST	9478 ANGUS LN	VERSAILLES	MO	65084
728 S LIBERTY ST	PREMIER PROPERTY REMODELING LLC	1921 BARBER AVE	KANSAS CITY	KS	66103
729 S LIBERTY ST	HANKS THERESA FOSTER	729 S LIBERTY ST	INDEPENDENCE	MO	64050
731 S LIBERTY ST	SAPP MICHAEL CHARLES & NANCY B	731 S LIBERTY	INDEPENDENCE	MO	64050
801 S LIBERTY ST	LANGKRAHR CURTIS N	1124 NE 701 RD	CONCORDIA	MO	64020
802 S LIBERTY ST	BARR FAMILY PARTNERSHIP LLC	4410 E TRUMAN RD	KANSAS CITY	MO	64127
810 S LIBERTY ST	MORENO CHRISTIAN	15750 SW 45TH ST	MIAMI	FL	33185
810 S MAIN ST	LAND TRUST OF JACKSON COUNTY MISSOURI	4035 CENTRAL ST	KANSAS CITY	MO	64111-2207
811 S LIBERTY ST	MCGLONE CANDICE & SCHULLER JOHN	811 S LIBERTY ST	INDEPENDENCE	MO	64050
813 S LIBERTY ST	DRAPER C M	813 S LIBERTY ST	INDEPENDENCE	MO	64050
NO ADDRESS ASSIGNED BY CITY	TODOROVA VANIA	725 S LIBERTY ST	INDEPENDENCE	MO	64050
NO ADDRESS ASSIGNED BY CITY	LAND TRUST OF JACKSON COUNTY MISSOURI	4035 CENTRAL ST	KANSAS CITY	MO	64111

Notification Area

811 S Liberty St

Case #25-999-07



Legend

-  Notification Area
-  Parcels

0 50 100 200 Feet

Prepared For: Board of Adjustment
Community Development Department
Meeting Date: May 15, 2025



Property Owner Notification Affidavit

STATE OF MISSOURI

COUNTY OF JACKSON

Case No. 25-999-07

I, Candice McGlone, 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 24th day of April, 2025.

Candice McGlone

Signature of Agent, Owner or Attorney

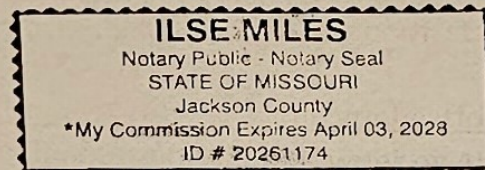
Subscribed and sworn to before me this 24 day of April, 2025.

[Signature]

Notary Public

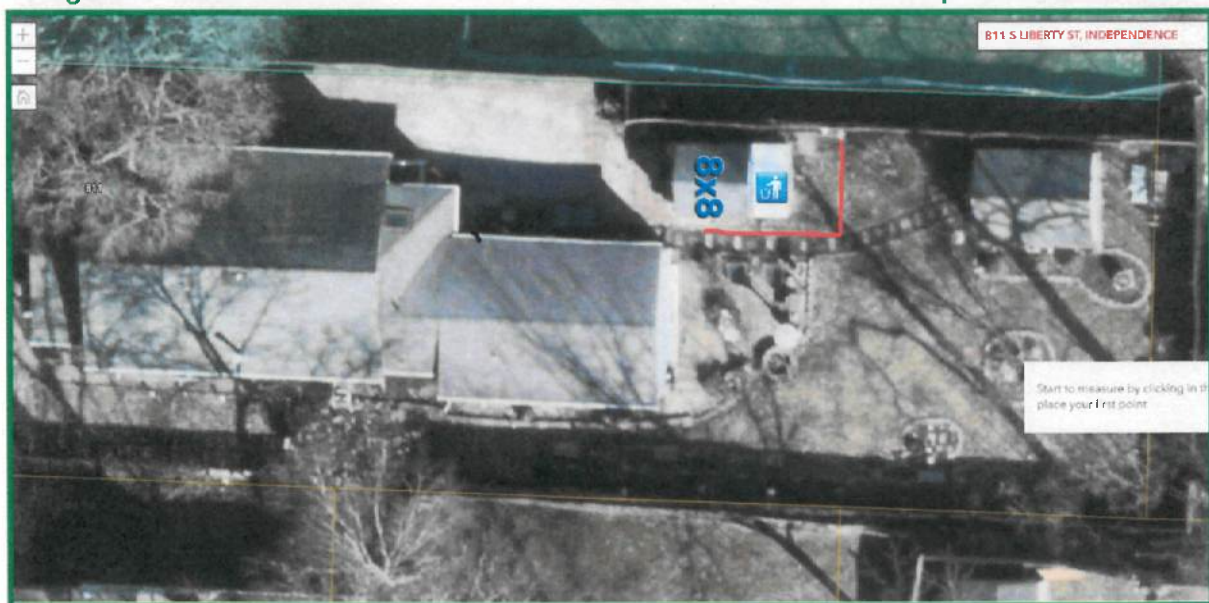
April 03 2028

Commission Expiration Date





In this photo if you look closely you can actually see the back side of the concrete footing. The smaller shed will be (or has been) removed, along with our trash cart holder. These are the 2 items you can see in the picture. The new shed will be pushed all the way back to set on the back side of the footing. It will actually not come as far forward as the old shed did, it however is wider, so that still brings it 4' from the home. I have marked those items in the picture below.



Here is the requested parcel viewer drawing that shows the size of and where the new shed will sit. Also the legal description of the home.



2024 Real Property Tax (Paid)



811 S LIBERTY ST

Due Date: December 31, 2024

Property Account Number

26-520-10-09-00-0-00-000

Property Address

811 S LIBERTY ST INDEPENDENCE, MO 64050

Property Description

Real Property

Property Details

LEGAL LINE #1: BARNES PLACE PT LOTS 12 & 13 DAF: BEG 20' N OF SW COR LOT 13 TH N 47.04' TH E 109' TH S 47.04' TH W 109' TO POB

Owner Name

MCGLONE CANDICE & SCHULLER JOHN

Upclose of footing and old shed.

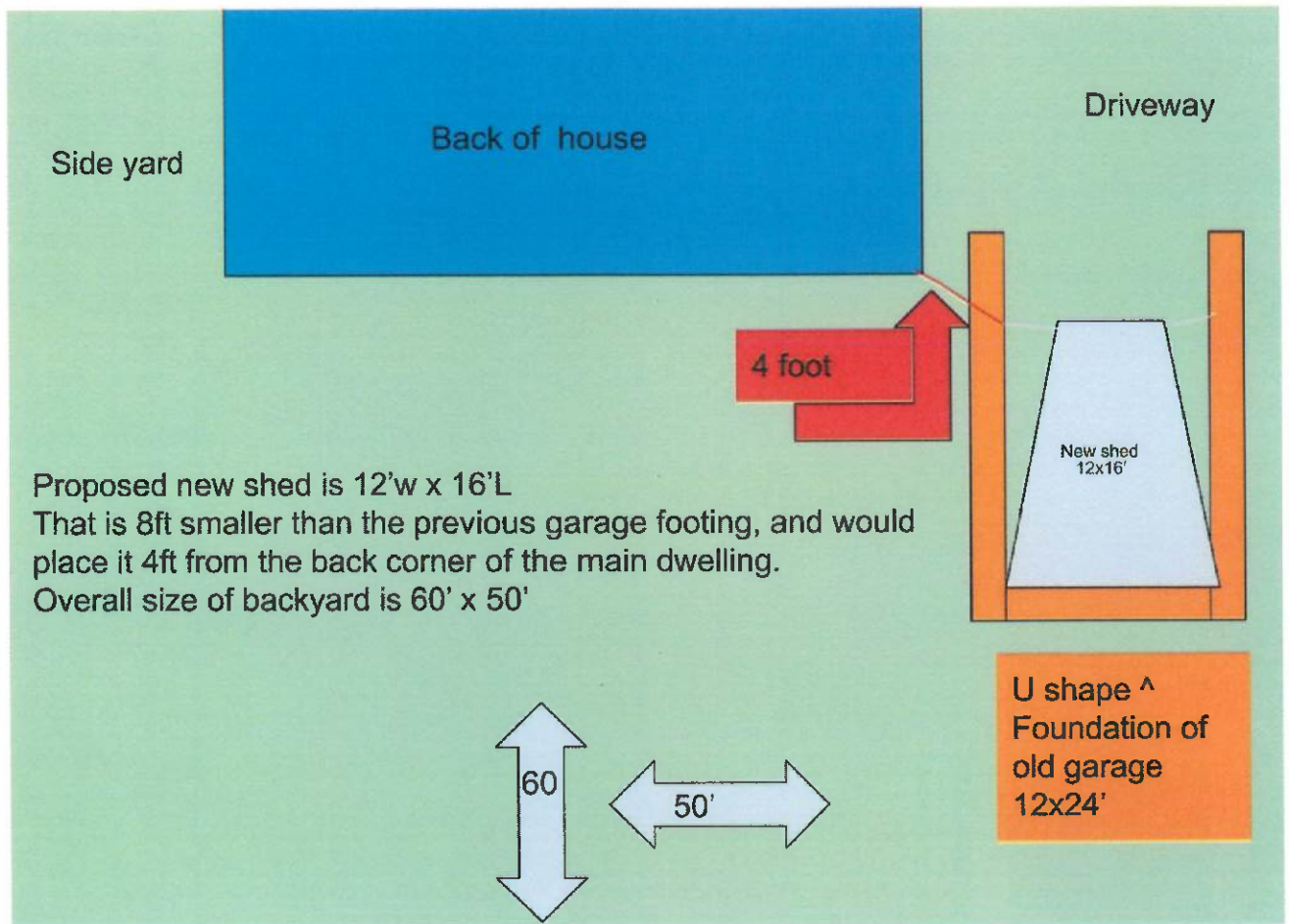




Colors will be exactly those of the home, pictured below With a bit of what the shed will be used for, an insane amount of holiday decorations!



Thank you for your time and consideration.





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.



Board of Adjustment Minutes

April 17, 2025 6:30 PM

Council Chambers - 111 E. Maple Ave.

CALL TO ORDER

A meeting of the Board of Adjustment was held at 6:40 PM on 4/17/2025, in the 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, Cody Atkinson, Cindy McClain, Caleb Holder. Absent - Sarah Wimberley.

PUBLIC HEARING(S)

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

The applicant requested this case be continued indefinitely.

Motion

Board Member Cindy McClain made a motion to continued the case indefinitely.

Commissioner Cody Atkinson seconded the motion. The motion was approved Yes 4, No 0, Abstained 0.

APPROVAL OF MINUTES

1. March 20, 2025

The minutes were never considered by the Board of Adjustment, so they will be continued to the next meeting.

ADJOURNMENT

The meeting was adjourned at 6:56 p.m.