



Board of Adjustment Special Called Meeting Minutes

June 16, 2025 2:00 PM

Council Chambers (Ground Floor) - 111 E. Maple Ave.

CALL TO ORDER

A meeting of the Board of Adjustment was held at 2:25 PM on 6/16/2025, in the City Council Chambers, 111 E Maple Ave (Ground Floor), Independence, MO 64050. The meeting was called to order.

ROLL CALL

Upon roll call, the following members were present - Roy Browne, John Davies, Anthony Sommer, Cody Atkinson, Cindy McClain.

PUBLIC HEARING

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

Rick Arroyo gave the staff report.

Board Comments

Board Member Sommer stated he doesn't believe it's the board's responsibility to interpret the City Code or determine if the construction is good quality. He noted that the applicant needs a variance for each violation, one for the setback and one for the height. City Attorney Purifoy clarified that the applicant had already received a variance for the backside.

In response to Board Member Sommer's question, Mr. Arroyo stated the property owner building the fence would have to make arrangements with adjoining property owners to get access to maintain that side of the fence. If the adjoining property owners are not willing to grant permission for them to be on their property, they could move their fence inward so they still have access to the outside of the fence from their property. The other option would be to

obtain an easement, which is a legal document that would allow that property owner access to maintain their fence.

In response to Board Member McClain's question, Mr. Arroyo stated the variance is for two feet of additional height (over the City Code).

In response to discussion with the Board, Chair Browne stated the Board could recommend that the applicant allow the neighbor to maintain his side of the fence from the yard, but that it cannot be a condition of approval. In response to Board Member Sommer's question, Mr. Purifoy stated if the variance is denied, they cannot come back and request the same variance again.

Motion

Commissioner John Davies made a motion to approve the setback variance. Commissioner Cody Atkinson seconded the motion. The motion was approved Yes 4, No 1, Abstained 0.

Board Member McClain commented that if the height variance is approved, she would prefer it not be the reflective material. Mr. Purifoy stated the applicant would try to limit the reflectativity of the material.

Chair Browne noted he and the board would hope that the neighbors could get along in the future and that the applicant would allow her neighbor to maintain his fence from her side of the yard when needed.

Motion

Commissioner Cindy McClain made a motion to approve the height variance with the condition that the applicant try to limit the reflective material. Commissioner Anthony Sommer seconded the motion. The motion was approved Yes 5, No 0, Abstained 0.

ADJOURNMENT

The meeting was adjourned at 5:14 p.m.