



# Jackson County, Missouri

## Request for Legislative Action

**REQUESTED MEETING DATE:** \_\_\_\_\_ **SPONSOR:** \_\_\_\_\_

*To be completed by the County Counselor's Office:*

**NUMBER:** 5852

**ASSIGNED MEETING DATE:** 06/10/2024

**STAFF CONTACT:** Randy Diehl **PHONE:** 816-881-4577

**EMAIL:** rdiehl@jacksongov.org

**DEPARTMENT:** Public Works

**TITLE:** RZ-2024-678 – Matthew Gratto

**SUMMARY:**

Requesting a change of zoning from District AG (Agricultural) on 2.21 ± acres to District RE (Residential Estates). The purpose is to decrease the building setback requirements at 25700 E. Timber Meadows Court.

Staff recommends approval because the change in zoning is consistent with the intent and purpose of the County Plan and complies with the Unified Development Code requirements.

The Jackson County Plan Commission held a public hearing on May 16, 2024, and accepted testimony pertaining to the rezoning request. There was no opposition to the request.

The Plan Commission voted 6 to 0 to recommend APPROVAL to the County Legislature.

**FINANCIAL IMPACT:** NO

YES

Amount

Fund

Department

Line-Item Detail

\_\_\_\_\_

**ACTION NEEDED:** ZONING (UDC)

**ATTACHMENT(S):**

**RZ-2024-678**

**ATTACHMENT 1: PROPERTY DESCRIPTION**

**Description:**

Lot 59, Timber Meadows Sixth Plat, a subdivision in Jackson County, Missouri

RZ-2024-678

ATTACHMENT 2: ZONING SUPPORT DOCUMENTATION

Attachments

Plan Commission Public Hearing Summary from May 16,

2024 Staff Report

Zoning map of surrounding area

Names and addresses of surrounding property owners

Letter to surrounding property owners

Application

Aerial of location

Copy of original plat

**Randy Diehl gave the staff report:**

**RE: RZ-2024-678**

**Applicant:** Matthew Gratto

**Location:** 25700 E. Timber Meadows Court.

**Area:** 2.21 ± acres

**Request:** Change of zoning from District AG (Agricultural) to District RE (Residential Estates)

**Purpose:** The purpose is to decrease the building setback requirements.

**Current Land Use and Zoning in the Area:**

The zoning in the area is Agricultural and Residential.

Timber Meadows 6<sup>th</sup> Plat was created in 1985, prior to the adoption of the Unified Development Code in 1995. These lots are Legal Non-Conforming. As of 1995, residential lots under 10 acres are now required to be rezoned to a residential zoning.

The lot directly to the West was rezoned in 2004 for the same reason.

The applicant wishes to decrease the side yard setbacks for future construction. The rezoning will reduce the side yard setbacks from 30 feet to 15 feet, the rear yard setbacks from 50 feet to 20 feet. The front setback is platted at 75 feet and will remain the same.

**County Plan:**

The County Plan Development Diagram illustrates this area within the Urban Development Tier (UDT).

**Recommendation:**

This request for rezoning is consistent with the intent and purpose of the County Plan.

Staff recommends APPROVAL of RZ-2024-678.

Respectfully submitted,

Jackson County Public Works  
Development Division  
Randy Diehl, Administrator

Mr. Antey: Will this still be considered legal-nonconforming due to the size since this is under 3 acres?

Mr. Diehl: No. District RE allows existing lots that are 2 acres in size to be rezoned. The applicant applied for a building permit for a pole barn that was 15 feet off the West property line. I called him and explained he was zoned as agricultural; he would need to be 30 feet from the line. I informed him that he would either adjust the building site location or have the property rezoned. He asked if a variance would help. I told him that since he was platted the rezoning would be the first thing we look at to reduce that setback. This would allow both side yard or the rear yard line to diminish. A variance is basically a last ditch effort to allow the adjustment and only applies to one side at the location of the proposed structure.

**Mr. Antey: Are there any other questions for Randy?**

There were none.

**Mr. Antey: Is the applicant here?**

The applicant was not present.

**Mr. Antey: Is there anyone else who is in favor of this application?**

There were none.

**Mr. Antey: Is there anyone who is opposed or has questions regarding this application?**

There were none.

Mr. Crawford moved to take under advisement. Mr. Horn seconded.

*Discussion under advisement*

Mr. Crawford moved to take under advisement. Mr. Monaco seconded.

*Discussion under advisement*

Mr. Crawford moved to approve. Mr. Monaco seconded.

Mr. Monaco	Approve
Mr. Farrar	Approve
Mr. Crawford	Approve
Ms. Ryerkerk	Approve
Mr. Horn	Approve
Chairman Antey	Approve

Motion Carried 6 – 0

## STAFF REPORT

### PLAN COMMISSION

May 16, 2024

RE: RZ-2024-678

**Applicant:** Matthew Gratto

**Location:** 25700 E. Timber Meadows Court.

**Area:** 2.21 ± acres

**Request:** Change of zoning from District AG (Agricultural) to District RE (Residential Estates)

**Purpose:** The purpose is to decrease the building setback requirements.

#### **Current Land Use and Zoning in the Area:**

The zoning in the area is Agricultural and Residential.

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#### **County Plan:**

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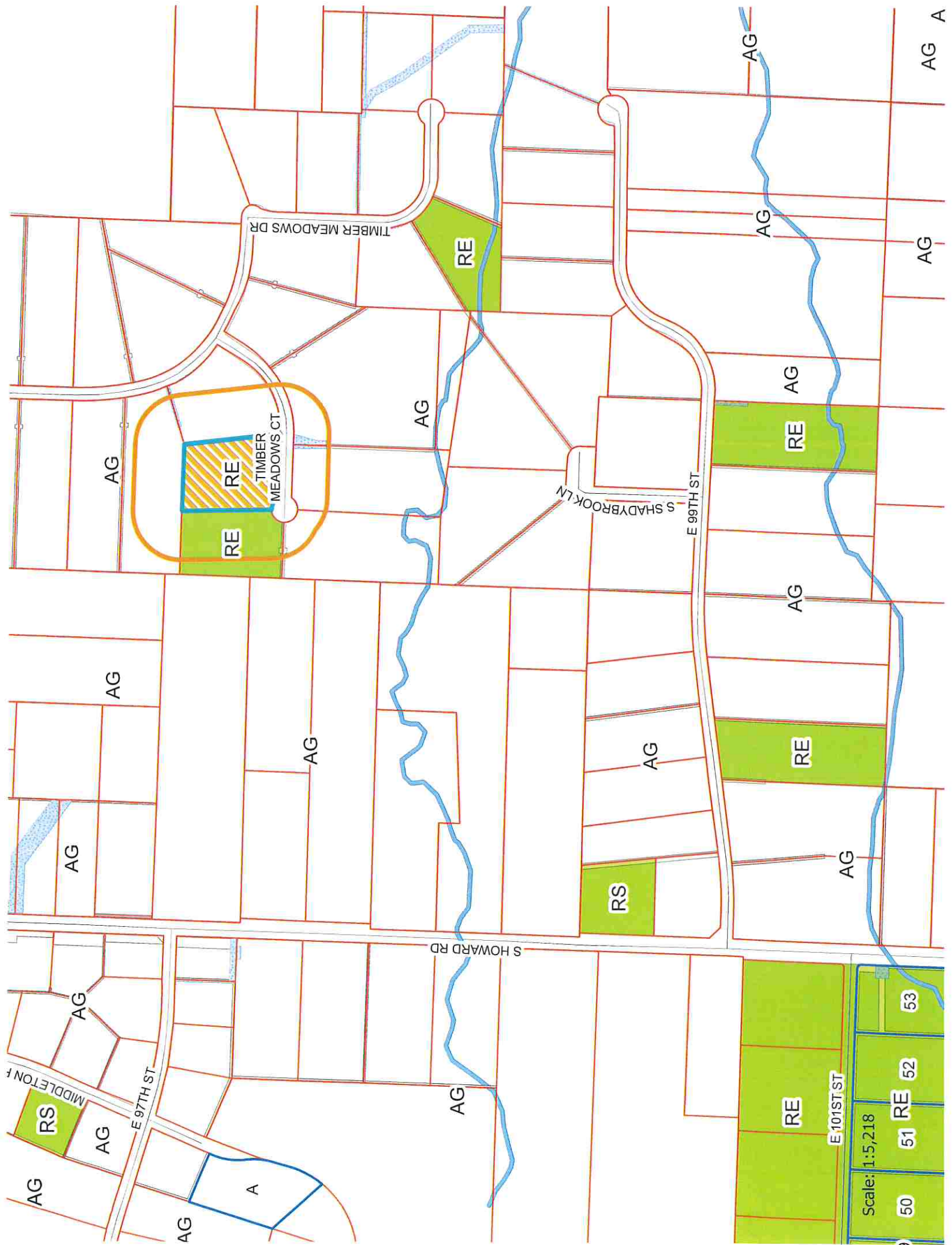
#### **Recommendation:**

This request for rezoning is consistent with the intent and purpose of the County Plan.

Staff recommends APPROVAL of RZ-2024-678.

Respectfully submitted,

Jackson County Public Works  
Development Division  
Randy Diehl, Administrator



Scale: 1:5,218

50

51 RE

52

53

E 101ST ST

E 97TH ST

MIDDLETON F

S HOWARD RD

E 99TH ST

S SHADYBROOK LN

TIMBER MEADOWS DR

TIMBER MEADOWS CT

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RZ-2024-678

Property Owners Within 185 feet

parcel	owner	address	city	state	zip
53-640-01-14-00-0-00-000	KIMBRELL JOHN Y & LESLIE G	25701 E TIMBER MEADOWS CRT	LEES SUMMIT	MO	64086
53-640-01-11-00-0-00-000	STULL KIMBERLY R A & RYAN D	9620 TIMBER MEADOWS DR	LEES SUMMIT	MO	64086
53-640-01-16-00-0-00-000	BRAINARD CHRISTOPHER A & JEAN M	25804 E TIMBER MEADOWS CRT	LEES SUMMIT	MO	64086
53-640-01-17-00-0-00-000	PLAAS JON R & JOANNE L-TRUSTEES	25801 NE TIMBER MEADOWS CR	LEES SUMMIT	MO	64086
53-640-01-13-00-0-00-000	EFFERTZ STEVEN C & LEILA M	25607 TIMBER MEADOW CRT	LEES SUMMIT	MO	64086
53-640-01-12-00-0-00-000	DONALDSON JAMES R & CORDER LINDA M	25606 TIMBER MEADOWS CR	LEES SUMMIT	MO	64086
53-640-01-15-00-0-00-000	GRATTO MATTHEW CHARLES	25700 TIMBER MEADOWS CRT	LEES SUMMIT	MO	64086





## JACKSON COUNTY Public Works Department

Jackson County Technology Center  
303 West Walnut Street  
Independence, Missouri 64050  
jacksongov.org

(816) 881-4530  
Fax: (816) 881-4448

May 1, 2024

RE: Public Hearing: RZ-2024-678  
Matthew Gratto

Dear Property Owner:

You are hereby invited to participate in a public hearing to be held by the Jackson County Plan Commission on a request by Matthew Gratto for a change of zoning from District AG (Agricultural) on 2.21 ± acres to District RE (Residential Estates). The purpose is to decrease the building setback requirements at 25700 E. Timber Meadows Court.

Please note that this request for a change of zoning affects only the property mentioned above. Adjacent properties will not be affected by the change of zoning. Taxes are based on the land use of a property not the zoning.

You are being notified pursuant to 24003.5 Chapter 240 (Unified Development Code) of the Jackson County Code, as being an adjacent property within 185' of the subject property.

The public hearing on this matter will be held by the Plan Commission on Thursday, May 16, 2024, at 8:30 a.m. in the Brady Courtroom, 2<sup>nd</sup> Floor, Historic Truman Courthouse, 112 W. Lexington, Independence, MO.

If you know of any interested party who may not have received a copy of this letter, it would be appreciated if you would inform them of the time and place of the hearing.

If you have any questions concerning this matter, please contact the Development Division at 881-4577.

Sincerely,

A handwritten signature in blue ink, appearing to read "Randy Diehl".

Jackson County Public Works  
Development Division  
Randy Diehl, Administrator

*Frank White, Jr., County Executive*

**JACKSON COUNTY, MISSOURI**  
**APPLICATION FOR CHANGE OF ZONING**

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**APPLICANT INFORMATION:**

1. Application must be filed with the Jackson County Planning and Development Division, 303 W. Walnut, Independence, Missouri 64050 by the date on the Plan Commission Calendar.
  2. Application must be typed or printed in a legible manner.
  3. All applicable sections must be completed. If you need more space to provide information, please use separate 8 1/2"x11" paper, reference the application number and attach it to the application.  
Incomplete applications will not be accepted and will be returned to the applicant.
  4. Attach application for subdivision approval, consistent with the requirements of UDC Section 24003.10, as may be required.
  5. The filing fee (non-refundable) must accompany application.  
(Check payable to: Manager of Finance)  
\$350.00 – Change of Zoning to Residential  
\$500.00 – Change of Zoning to Commercial or Industrial
- 

**TO BE COMPLETED BY OFFICE PERSONNEL ONLY:**

Rezoning Case Number RZ- \_\_\_\_\_

Date filed \_\_\_\_\_ Date of hearing \_\_\_\_\_

Date advertised \_\_\_\_\_ Date property owners notified \_\_\_\_\_

Date signs posted \_\_\_\_\_

Hearings: Heard by \_\_\_\_\_ Date \_\_\_\_\_ Decision \_\_\_\_\_

            Heard by \_\_\_\_\_ Date \_\_\_\_\_ Decision \_\_\_\_\_

            Heard by \_\_\_\_\_ Date \_\_\_\_\_ Decision \_\_\_\_\_

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**BEGIN APPLICATION HERE:**

1. **Data on Applicant(s) and Owner(s):**
  - a. Applicant(s) Name: MATTHEW C. BRANT  
Address: 25700 TIMBER MEADOWS CT  
  
Phone: (816) 668-9752
  - b. Owner(s) Name: APPLICANT  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_
  - c. Agent(s) Name: APPLICANT

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

- d. Applicant's interest in Property: OWNER
2. General location (Road Name) TIMBER MEADOWS CT
3. Present Zoning AGRICULTURAL Requested Zoning RESIDENTIAL
4. AREA (sq. ft. / acres) 2.1 ACRES
5. Legal Description of Property: (Write Below or Attached 9 )  
\_\_\_\_\_  
\_\_\_\_\_
6. Present Use of Property: RESIDENTIAL (PRIME)
7. Proposed Use of Property: RESIDENTIAL (PRIME)
8. Proposed Time Schedule for Development: ASAP
9. What effect will your proposed development have on the surrounding properties?  
NONE
10. Is any portion of the property within the established flood plain as shown on the FEMA Flood Boundary Map? NO  
If so, will any improvements be made to the property which will increase or decrease the elevation? \_\_\_\_\_
11. Describe the source/method which provides the following services, and what effect the development will have on same:
- a. Water PUBLIC - NONE
  - b. Sewage disposal PRIVATE SEPTIC - NONE
  - c. Electricity EVERLY - NONE
  - d. Fire and Police protection COUNTY - NONE
12. Describe existing road width and condition: STANDARD - ASPHALT

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13. What effect will proposed development have on existing road and traffic conditions? NONE

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14. Are any state, federal, or other public agencies approvals or permits required for the proposed development? NO

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If so, describe giving dates of application and status (include permit numbers and copies of same, if issued):


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**Verification:** I (We) hereby certify that all of the foregoing statements contained in any papers and/or plans submitted herewith are true to the best of my (our) knowledge and belief.

**Signature**

**Date**

**Property Owner(s)**

  
MATTHEW C. GRANT

4.23.2024

**Applicant(s):**

\_\_\_\_\_  
\_\_\_\_\_

**Contract Purchaser(s):**

\_\_\_\_\_  
\_\_\_\_\_

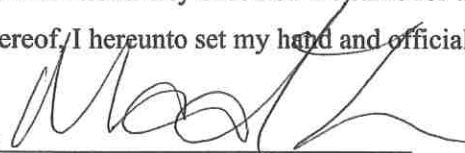
STATE OF Missouri  
COUNTY OF Jackson

On this 23rd day of April, in the year of 2024, before me the undersigned notary public, personally appeared Matthew Grant

known to me to be the person(s) whose names(s) is/are subscribed to the within instrument and acknowledged that he/she/they executed the same for the purposes therein contained.

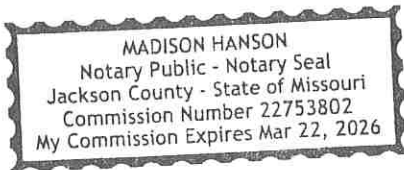
In witness whereof, I hereunto set my hand and official seal.

Notary Public



Commission Expires

3/22/2026





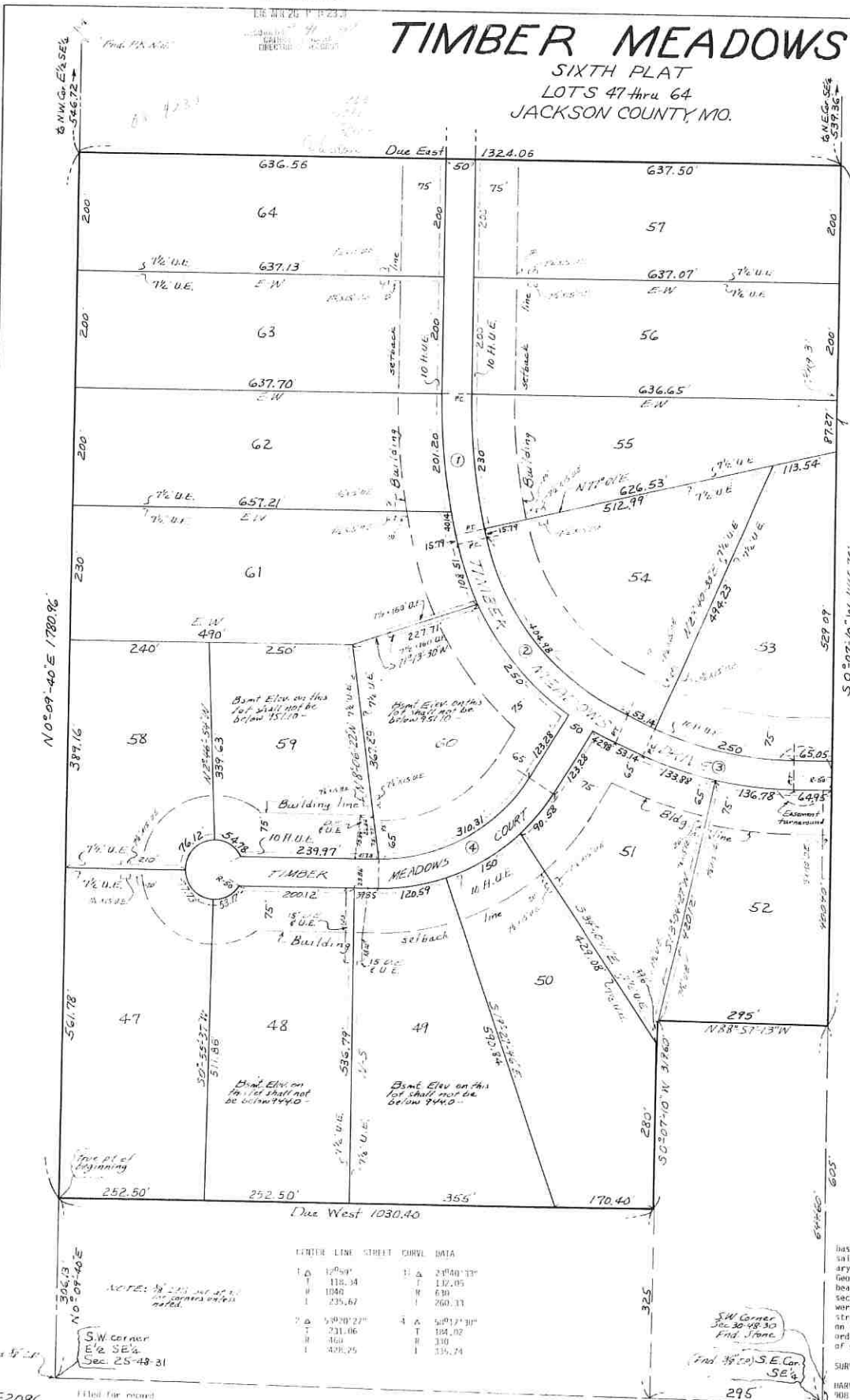
TIMBER MEADOWS DR

TIMBER MEADOWS CT

1:500 Scale  
 1/4" = 100'

# TIMBER MEADOWS

SIXTH PLAT  
 LOTS 47 thru 64  
 JACKSON COUNTY, MO.



ORDER	LINE	STREET	CORNER	DATA
1	Δ	120°59'	Δ	240°40'30"
1	T	118.34	T	112.05
1	N	104.0	N	6.30
1	I	235.67	I	260.33
2	Δ	53°20'22"	Δ	50°17'30"
1	T	231.06	T	104.02
1	N	36.0	N	33.0
1	I	428.25	I	335.24

NOTE: If the lot shall not be below 4440-

NOTE: If the lot shall not be below 4440-

F2096

Filed for record

1:500 Scale

This is a subdivision in the E 1/2 of Section 25, Twp. 40, Rm. 31, Jackson County, Missouri, more particularly described as follows: Commencing at the S.W. corner of the E 1/2 of Section 25, Twp. 40, Rm. 31, thence along the west line of said E 1/2 section North 0 degrees 09 minutes 40 seconds East 306.13 ft. to the true point of beginning of this tract; thence along said west line North 0 degrees 09 minutes 40 seconds East 1700.96 ft. to a point 516.72 ft. south of the N.E. corner of said E 1/2 section; thence due east 1294.06 ft. to a point on the east line of said quarter section 539.36 ft. south of the N.E. corner thereof; thence along the east line of said quarter section South 0 degrees 07 minutes 10 seconds West 446.76 ft. to a point 644.6 ft. north of the S.W. corner of said quarter section. Thence parallel to the south line of said quarter section North 30 degrees 57 minutes 13 seconds West 295.12 ft. thence parallel to the east line of said quarter section South 0 degrees 07 minutes 10 seconds West 304.11 ft.; thence due west 1080.50 ft. to the true point of beginning.

The undersigned proprietor of the above described tract has caused the same to be subdivided in the manner shown on the accompanying plat, which subdivision and plat shall have effect according to the following conditions:

**TERMS OF SALE:**  
 All improvements shown on this plat and not heretofore indicated to be hereby are hereby dedicated. No easement or license is hereby granted to Jackson County, Missouri, to locate, construct and maintain, or to enforce the location, construction and maintenance of conduits, water, gas and sewer lines, poles, wires and cables, and all or any of them upon these areas, and used on this plat and designated by the words "Utilities easement", "Observed U.E.", or "Proposed easement", as indicated thereon.  
 The declaration of the plat is hereby approved and attested by its secretary this 25th day of April, 1983.

**TIMBER MEADOWS (C)**  
 By *[Signature]*  
 Secretary

State of Missouri  
 County of Jackson  
 On this 25th day of April, A.D. 1983, before me, the undersigned Notary Public, personally appeared and being known to me to be the person whose name and who by name and address, did say that he is the president of TIMBER MEADOWS (C), a corporation, and that said subdivision in the foregoing instrument is the corporate act of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors, and the said Notary Public acknowledged the execution of said instrument to be the true and legal act of said corporation.

The foregoing instrument was presented to me by one who appeared as of the City of Jackson, Missouri, on this day and read above written.

*[Signature]*  
 Notary Public, State of Missouri  
 My Commission Expires September 23, 1989

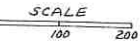
Approved as to Planning and Zoning  
 by *[Signature]*  
 Director, Planning & Zoning  
 Jackson County, Missouri

Date: April 25, 1983

Approved as to Street Locations and Widths  
 by *[Signature]*  
 Director, Public Works Dept.  
 Jackson County, Mo.

Date: 4-25-83

Approved:  
 by *[Signature]*  
 Assessor's Office  
 JERRY CARROLL



NOTE: The Jackson County Division of Public Works will determine the site for and type of on-site sewage disposal systems.

I hereby certify that the within plat of "TIMBER MEADOWS" subdivision is based on an actual survey made by me or under my direct supervision and said survey meets or exceeds the current Minimum Standards for Property Boundary Surveys as established by the Department of Natural Resources, Geology and Land Survey of the State of Missouri. I further certify that the bearings shown on this plat are based on Assumed North; that the section and sectional subdivision corner monuments and survey boundary corner monuments street center lines have been marked with permanent monumentation as indicated on this plat; that I have complied with all State and Jackson County Statutes, ordinances and regulations governing the practice of surveying and the platting of subdivisions to the best of my professional knowledge and belief.

SURVEYED AND PLATTED BY  
 HARVEY A. JONES ENGINEERING CO., INC.  
 908 North Osage  
 Independence, Missouri  
 By *[Signature]*  
 Harvey A. Jones  
 Mo. Registered Land  
 Surveyor No. 57  
 Date: April 9, 1983