


# REQUEST FOR LEGISLATIVE ACTION

Completed by County Counselor's Office:

~~Res~~/Ord No.: 4797

Sponsor(s): xxxxxx

Date: November 16, 2015

SUBJECT	Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance  Project/Title: <u>Rene M Martinez Case No. CU-2015-217</u>											
BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i>	<table border="1" data-bbox="305 516 1183 829"> <tr> <td>Amount authorized by this legislation this fiscal year:</td> <td>\$</td> </tr> <tr> <td>Amount previously authorized this fiscal year:</td> <td>\$</td> </tr> <tr> <td>Total amount authorized after this legislative action:</td> <td>\$</td> </tr> <tr> <td>Amount budgeted for this item * (including transfers):</td> <td>\$</td> </tr> <tr> <td>Source of funding (name of fund) and account code number; FROM / TO</td> <td>FROM ACCT  TO ACCT</td> </tr> </table> <p>* If account includes additional funds for other expenses, total budgeted in the account is: \$</p> OTHER FINANCIAL INFORMATION:  <input checked="" type="checkbox"/> No budget impact (no fiscal note required) <input type="checkbox"/> Term and Supply Contract (funds approved in the annual budget); estimated value and use of contract: Department: _____ Estimated Use: \$ _____ Prior Year Budget (if applicable): _____ Prior Year Actual Amount Spent (if applicable): _____		Amount authorized by this legislation this fiscal year:	\$	Amount previously authorized this fiscal year:	\$	Total amount authorized after this legislative action:	\$	Amount budgeted for this item * (including transfers):	\$	Source of funding (name of fund) and account code number; FROM / TO	FROM ACCT  TO ACCT
Amount authorized by this legislation this fiscal year:	\$											
Amount previously authorized this fiscal year:	\$											
Total amount authorized after this legislative action:	\$											
Amount budgeted for this item * (including transfers):	\$											
Source of funding (name of fund) and account code number; FROM / TO	FROM ACCT  TO ACCT											
PRIOR LEGISLATION	Prior ordinances and (date): O.#4437, 08/06/2012  Prior resolutions and (date):											
CONTACT INFORMATION	RLA drafted by Randy Diehl, Administrator, Development Division, 881-4577											
REQUEST SUMMARY	Requesting the renewal of Conditional Use Permit (CUP) in District AG (Agricultural) for a period of 10 years to operate a kennel for fostering cats and puppies on 10 +/- acres. Description: The 10 acre tract is located at 10621 S. Spainhour Road and legally described on Attachment RLA-1. The Jackson County Plan Commission October 15, 2015 held a public hearing and accepted testimony pertaining to the Conditional Use Permit. There was no one present in opposition to the request for the Conditional Use Permit. This request conforms to the general intent and purpose of the Unified Development Code. Therefore, the Plan Commission voted 7 to 0 to recommend <u>APPROVAL</u> for a 10 year period provided the following conditions are met (see attachment RLA-2)											
CLEARANCE	<input type="checkbox"/> Tax Clearance Completed (Purchasing & Department) <input type="checkbox"/> Business License Verified (Purchasing & Department) <input type="checkbox"/> Chapter 6 Compliance - Affirmative Action/Prevailing Wage (County Auditor's Office)											
ATTACHMENTS	See Attachment to RLA-3											
REVIEW	Department Director: Brian D. Gaddie, P.E. Director of Public Works  	Date: 11/4/2015										

Finance (Budget Approval): <i>If applicable</i>	Date:
Division Manager: <i>Mary Lou Brown</i>	Date: <i>11/10/15</i>
County Counselor's Office:	Date:

Fiscal Information (to be verified by Budget Office in Finance Department)

- This expenditure was included in the annual budget.
- Funds for this were encumbered from the \_\_\_\_\_ Fund in \_\_\_\_\_.
- There is a balance otherwise unencumbered to the credit of the appropriation to which the expenditure is chargeable and there is a cash balance otherwise unencumbered in the treasury to the credit of the fund from which payment is to be made each sufficient to provide for the obligation herein authorized.
- Funds sufficient for this expenditure will be/were appropriated by Ordinance # \_\_\_\_\_
- Funds sufficient for this appropriation are available from the source indicated below.

Account Number:	Account Title:	Amount Not to Exceed:

- This award is made on a need basis and does not obligate Jackson County to pay any specific amount. The availability of funds for specific purchases will, of necessity, be determined as each using agency places its order.
- This legislative action does not impact the County financially and does not require Finance/Budget approval.

**ATTACHMENT TO RLA-2:**

Attachments

Plan Commission Public Hearing Summary from October 15, 2015

Location Map

Staff Report

Affidavit of Publication in Independence Examiner

Names/Addresses of Surrounding Property Owners

Copy of letter to said property owners

Map showing current zoning district in area

County Code Chapter 240 – Unified Development Code

County Master Plan – “Strategy for the Future”

Application

Email from neighboring property owner

Condition Use Permit for a period of 10 (ten) years with the following Conditions:

- 1) That the number of dogs kept on the property is limited to ten (10).
- 2) That the number of cats kept on the property is limited to twenty five (25).
- 3) No boarding services to be provided to the general public.
- 4) That all animals must be contained in the kennel enclosures unless under the control of and obedient to the command of a responsible person.
- 5) There shall be no on-premise sign allowed for either identification or advertisement purposes.

**CU-2015-217**

**ATTACHMENT TO RLA 1:**

**Description:**

THE SOUTH 10 ACRES OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 48, RANGE 30, IN JACKSON COUNTY, MISSOURI, EXCEPT PART IN ROADS.

Randy Diehl gave the staff report

**Applicant/Property Owners:** Rene M. Martinez

**Location:** 10621 S. Spainhour Road.

**Area:** 10 ± acres

**Zoning District:** District AG (Agricultural)

**Request:** A renewal of a Conditional Use Permit to allow a kennel for fostering of cats and puppies as set forth in Section 24004.2c.13 of the Unified Development Code (UDC). A CUP is required if more than 6 dogs and cats are kept on a property zoned Agricultural. The applicant was granted Conditional Use Permit CU-2012-211 by a period of three (3) years. The applicant requesting the permit be renewed for a period of 10 years.

Section 24004.2.c.13 of the UDC also requires that animal enclosures are to be located not less than 200 feet from any property line. By definition in the UDC, an Animal Enclosure Area is: "Any area designed for the containment of animals excluding: livestock grazing areas, terrariums, aquariums, small cages kept within the living area of a residence, and fenced yards".

The applicant has a small outbuilding located behind the house which is being utilized as kennel facility.

The applicant was granted a variance of 85 feet to the required 200 foot setback for District AG by the Board of Zoning Adjustment on August 7, 2013. (VS-2013-098) for use of the outbuilding.

**Comments:** One of the concerns of the surrounding property owners at both the Plan Commission meeting on July 17, 2012, and the Board of Zoning Adjustment meeting on August 7, 2013, was barking dogs. For the record, Public Works has not received any calls or complaints regarding this property. We checked with the Regional Animal Shelter as well. They also have received no calls in regards to the applicant or the kennel facility. I also spoke with the State's Department of Agricultural, and they have had no complaints regarding this facility.

**Recommendation:**

Staff recommends APPROVAL of CU-2015-217 for a ten (10) year period provided the following conditions are met:

- 1) That the number of dogs kept on the property is limited to ten (10).
- 2) That the number of cats kept on the property is limited to twenty five (25).

- 3) No boarding services to be provided to the general public.
- 4) That all animals must be contained in the kennel enclosures unless under the control of and obedient to the command of a responsible person.
- 5) There shall be no on-premise sign allowed for either identification or advertisement purposes.

Respectfully submitted,

Jackson County Public Works  
Development Division  
Randy Diehl, Administrator

Mr. Antey:

*Are there any questions for Randy?*

Discussion regarding the number of dogs going from 6 on the previous permit to 10 on this request.

*Is the applicant present?*

Rene Martinez, 10621 S. Spainhour Road, Lone Jack, MO 64070.

Mr. Antey: *Do you have anything to add to the staff report?*

Ms. Martinez: I have 5 dogs presently. We do rescue. We spay, neuter and adopt out.

Mr. Antey: *How many cats? Currently, we have 15 cats.*

Mr. Tarpley: *Where do you rescue these animals from?*

Ms. Martinez: Shelters call us if they are to be euthanized. We are a Siamese rescue, Bengals, breed cats. We get calls from kill and no kill shelters. We take in owner surrenders, we also have people that trap cats and call if they have a Siamese. We'll take in stray cats and adopt out. Same with dogs, we also get puppies. I make sure they are under four months old. I don't take anything over six weeks. We get them all their shots, get them spayed/neutered, and make sure they are healthy before we adopt them out.

Mr. Tarpley: *Where do you keep the cats?*

Ms. Martinez: We keep the cats in the shelter behind the house, in the out building. That's where the puppies go. The 5 dogs I have are mine.

Mr. Haley: *Do you sell them?*

Ms. Martinez: We adopt them out. We do the spay/neutering and we spend our weekends at PETCO, and adopt them out and charge an adoption fees to help cover the costs. It's a lot of work, I have a full time job.

*Are there any other questions for the applicant? (There were none)*

*Is there anyone who is in favor of this application?*

Catherine Kenny, 30605 E. 222, Pleasant Hill, MO. I am a volunteer with KC Siamese Rescue. Rene has been volunteering for 15 years. She takes excellent care of the facility, and the property. The animals get all the care they need.

*Is there anyone who is opposed or has questions regarding this application? (There were none)*

Motion to take under advisement.

Mr. Tarpley moved to take under advisement. Mr. Akins seconded.

Mr. Akins: I move that we leave the number of dogs the way it is.

Mr. Tarpley: There may be a need to take in additional animals.

Motion to approve.

Mr. Akins motioned to approve CU-2015-217. Mr. Tarpley seconded.

Mr. Akins	Approve
Mr. Tarpley	Approve
Mr. Gibler	Approve
Mr. Haley	Approve
Mr. Crawford	Approve
Mrs. Mershon	Approve
Chairman Antey	Approve

Motion Carried 7 – 0.



**Plan Commission  
October 15, 2015  
CU-2015-217**

**Applicant / Property Owner:**

**Renee M. Martinez  
10621 S. Spainhour Road  
Lone Jack, Mo 64070**

**Parcel No: 55-700-04-12-00**

**Certified Mail – Return Receipt  
Property Owners within 1000 feet**

58-100-01-10-00  
Michael & Robin Beard  
10804 S Spainhour Rd  
Lone Jack, MO 64070

55-700-04-02-01  
Perry Allen Benson  
280 W. 146<sup>th</sup> Street  
Carmel, IN 46032

58-100-01-18-00  
Debra Brewington  
10815 S. Spainhour Road  
Lone Jack, MO 64070

55-700-04-03-00  
Brinlee Patsy C-Truste  
RR 71 Box 1400  
Wheatland, MO 65779

55-700-04-01-02  
BS Corner LLC  
1212 8<sup>th</sup> Street  
Kansas City, MO 64106

55-700-04-08-02  
BS Cornor LLC  
25614 E. Shadybrook Lane  
Lee's Summit, MO 64086

58-100-01-04-02  
Fred Hartwig  
10810 S. Spainhour Road  
Lone Jack, MO 64070

58-100-01-08-00  
Ismert Farms, LLC  
606 E 117<sup>th</sup> Terrace  
Kansas City, MO 64131

55-700-04-01-01-2  
Ismert Farms, LLC

56-900-03-05-00  
Ismert Farms, LLC

56-900-04-03-02-2  
Ismert Farms, LLC

58-100-01-05-00  
Linda Pool  
34701 E. Hammond Road  
Lone Jack, MO 64070

58-100-01-06-00  
Lorrie Johnson  
10717 S. Spainhour Road  
Lone Jack, MO 64070

58-100-01-15-00  
Karlene Kramer  
P O Box 241  
Lone Jack, MO 64070

58-100-01-02-00  
Richard & Karen Loftis  
35100 E. Hendricks Road  
Lone Jack, MO 64070-9128

57-300-02-01-00  
Gene Malvitz & Lisa Sawyer  
10923 S. Spainhour Road  
Lone Jack, MO 64070

58-100-01-08-00  
Garritt T Shockey  
35510 E. Spainhour Road  
Lone Jack, MO 64070

55-700-04-11-01  
Robert & Michelle Riley  
10607 S. Spainhour  
Lone Jack, MO 64070

58-100-01-11-00  
Hollis Spainhour & Beulah & Stacy Lee  
710 SW Savannah Drive  
Lee's Summit, MO 64081

58-100-01-09-00  
Brian Swaim & Melissa Cook  
35204 E. Spainhour Road  
Lone Jack, MO 64070

55-700-04-10-02  
John W. Terry  
10523 S. Spainhour Road  
Lone Jack, MO 64070



**JACKSON COUNTY**  
**Public Works and Facilities Management Departments**

303 West Walnut Street  
Independence, Missouri 64050  
www.jacksongov.org

*Administration Offices*  
303 W. Walnut  
Independence, MO  
64050  
(816) 881-4530  
Fax: (816) 881-4448

*Planning and  
Environmental Health*  
303 W. Walnut  
Independence, MO  
64050  
(816) 881-4634  
Fax: (816) 881-1650

*Road Maintenance*  
34900 E. Old U.S. 40 Hwy.  
P.O. Box 160  
Grain Valley, MO  
64029  
(816) 847-7050  
Fax: (816) 847-7051

September 30, 2015

RE: Public Hearing: CU-2015-217  
Rene Martinez

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 Rene Martinez requesting the renewal of a Conditional Use Permit for a period of 10 years to provide foster care to cats and puppies in District AG (Agricultural) on 10 ± acres. The 10 ± acres are at the northeast intersection of Hammond and Spainhour Roads lying Section 36, Township 48, Range 30 in Jackson County, Missouri, aka 10621 S. Spainhour Road.

You are being notified pursuant to 24003.5 Chapter 240 (Unified Development Code) of the Jackson County Code, as being an adjacent property within 1000' of the subject property.

The public hearing on the rezoning will be held by the Plan Commission on Thursday, October 15, 2015 at 8:30 a.m. in Conference Room D, Ground Floor, Independence City Hall, 111 East Maple, 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 881-4649.

Sincerely,

  
Jackson County Public Works  
Development Division  
Randy Diehl, Administrator

Michael D. Sanders, County Executive





JACKSON COUNTY, MISSOURI  
CONDITIONAL USE PERMIT APPLICATION

APPLICANT INFORMATION:

1. Application must be filed with the Jackson County Planning and Development Division, 303 W. Walnut, Independence, MO 64050 by the deadline on the Plan Commission Calendar.
2. Application must be typed or printed in a legible manner.
3. A scaled map of the property, correlating with the legal description, and clearly showing the property's location must accompany application. Refer to Section 24003.22, pertaining to Site Plan Review within the Unified Development Code.
4. 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.
5. The filing fee \$350.00 (non-refundable) must accompany application.  
(Check payable to: Manager of Finance)

TO BE COMPLETED BY OFFICE PERSONNEL ONLY:

Conditional Use Permit Number CU-2015-217

Date filed 8-11-15 Date of hearing 10-15-15

Date advertised 9-30-15 Date property owners notified 9-30-15

Date signs posted 9-30-15

Hearings: Heard by PC Date 10-15-15 Decision \_\_\_\_\_

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

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

CU-2012-211

BEGIN APPLICATION HERE:

1. Data on Applicant(s) and Owner(s):
  - a. Applicant(s) Name: Rene Martinez
  - Address: 10621 S. Spainhour Rd  
Lone Rock, MO 64070
  - Phone: 816-678-6848
  - b. Owner(s) Name: Same as above
  - Address: \_\_\_\_\_
  - Phone: \_\_\_\_\_
  - c. Agent(s) Name: N/A



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

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

d. Applicant's interest in Property: owner

2. A CONDITIONAL USE PERMIT IS HEREBY REQUESTED for the following described use: - ~~Fostering cats & dogs~~ fostering of cats & puppies for a period of 10 years; property described as follows: a tract of land 10 square feet/acres in size located at 10421 S. Spainhour Road.  
Present Zoning District \_\_\_\_\_

3. Legal Description of Property: (Write Below or Attached 9 )  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Present Use of Property: ~~Residential - fostering~~ fostering cats & puppies

5. Proposed Use of Property: Same  
\_\_\_\_\_  
\_\_\_\_\_

6. Estimated Time Schedule for Development: N/A  
\_\_\_\_\_  
\_\_\_\_\_

7. What effect will your proposed development have on the surrounding properties?

N/A

8. 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? N/A

9. Describe the source/method which provides the following services, and what effect the development will have on same:

a. Water N/A

b. Sewage disposal N/A

c. Electricity N/A

d. Heating N/A

e. Fire and Police protection N/A

10. Describe existing road width and condition: N/A

\_\_\_\_\_

11. What effect will proposed development have on existing road and traffic conditions? N/A

\_\_\_\_\_

12. Are any state, federal, or other public agencies approvals or permits required for the proposed development? N/A

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

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 8/4/15  
Property Owner(s) Loni Martinez

Applicant(s): Loni Martinez 8/4/15

Contract Purchaser(s): \_\_\_\_\_

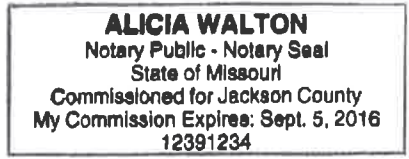
STATE OF Missouri  
COUNTY OF Jackson

On this 4<sup>th</sup> day of August, in the year of 2015, before me the undersigned notary public, personally appeared Renee Martinez

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 Alicia Walton Commission Expires Sept. 5, 2016





Land Use Committee  
Amendment  
August 29, 2012

**IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI**

**AN ORDINANCE** granting a conditional use permit (CUP) in District A (Agricultural) for a period of three years to operate a kennel for the foster care of abandoned dogs and cats, subject to specified conditions on a 10 ± acre tract.

**ORDINANCE #4437**, August 6, 2012

BE IT ORDAINED by the County Legislature of Jackson County, Missouri as follows:

Section 1. A conditional use permit is hereby granted for a period of three years to operate a kennel, as to an approximate 10± acre tract of land generally located at the northeast intersection of Hammond and Spainhour Roads, and specifically described as follows:

**Description:** The south 10 acres of the southeast quarter of the southeast quarter of section 36, township 48, range 30, in Jackson County, Missouri, except part in roads.

Section 2. The conditional use permit granted by this Ordinance is subject to the following conditions:

1. The number of dogs (above the age of four months) kept on the property is limited to six (6).
2. The number of cats (above the age of four months) kept on the property is limited to twenty-five (25).
3. No boarding services to be provided to the general public.
4. All animals must be contained in the kennel enclosures unless under the control

of and obedient to the command of a responsible person.

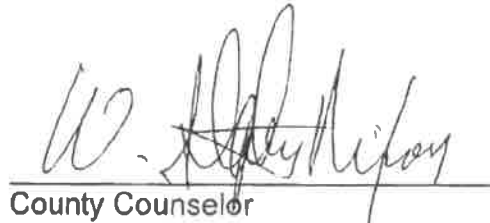
5. There shall be no on-premise sign allowed for either identification or advertisement purposes.
6. The applicant shall obtain a variance on the south setback requirement from the Board of Zoning Adjustment, if the outbuilding will be used as a kennel facility.

Section 3. The Legislature, pursuant to the application of Rene M. Martinez (CU-2012-211), requesting approval embodied in this Ordinance and with notice that the Jackson County Plan Commission voted 6 to 0 to recommend APPROVAL of this application in a public hearing on July 19, 2012, does adopt this Ordinance pursuant to the Jackson County Charter authorizing the Legislature to exercise legislative power pertaining to planning and zoning.

Effective Date: This Ordinance shall be effective immediately upon its signature by the County Executive.

APPROVED AS TO FORM:

  
Chief Deputy County Counselor

  
County Counselor

I hereby certify that the attached Ordinance, Ordinance #4437 introduced on August 6, 2012, was duly passed on September 10, 2012 by the Jackson County Legislature. The votes thereon were as follows:

Yeas 7

Nays 0

Abstaining 0

Absent 2

This Ordinance is hereby transmitted to the County Executive for his signature.

9-10-12  
Date

  
Mary Jo Spino, Clerk of Legislature

I hereby approve the attached Ordinance #4437.

9-11-2012  
Date

  
Michael D. Sanders, County Executive

BEFORE THE BOARD OF ZONING ADJUSTMENT OF  
JACKSON COUNTY, MISSOURI

**IN THE MATTER OF THE REQUEST** a non-use variance of 85 feet ± to the required 200 foot setback for a kennel facility as set forth at Section 24004.2.c.13 of the Unified Development Code (UDC, Chapter 240, Jackson County Code) within District AG (Agricultural). The 10 ± acres are located at 10621 S. Spainhour Road, lying in Section 36, Township 48, Range 30.

**Application No. VS-2013-098**  
Rene M. Martinez  
10621 S. Spainhour Road  
Lone Jack, MO 64070

**ORDER**

**NOW ON THIS DAY**, evidence having been presented to and heard by the Jackson County Board of Zoning Adjustment in the above matter, the Board makes the following Order, Decision and Findings and Conclusions of Law.

**FINDINGS OF FACT**

1. We find that Application VS-2013-098 was filed by the applicant on December 31, 2012, requesting a non-use variance of 85 feet ± to the required 200 foot setback for a kennel facility as set forth at Section 24004.2.c.13 of the Unified Development Code (UDC, Chapter 240, Jackson County Code) within District AG (Agricultural). The 10 ± acres are located at 10621 S. Spainhour Road, lying in Section 36, Township 48, Range 30.

2. We find that a public hearing was held on August 7, 2013 by this Board and that the property owners that lived or owned property within 1000 feet of subject property were notified of the hearing.

3. We find that the public hearing was held in the manner and form provided by law and that all interested parties were given full opportunity to be heard and were heard under oath.

4. We find that opportunity for opposition was held at the public hearing and that several appeared in opposition to the variance.

**AND THE BOARD HAVING HEARD AND CONSIDERED THE TESTIMONY BY THE APPLICANT AND THE STAFF MAKES THE FURTHER SPECIFIC FINDINGS OF FACT.**

- a) The applicant is requesting a non-use variance of 85 feet ± to the required 200 foot setback for a kennel facility as set forth at Section 24004.2.c.13 of the Unified Development Code (UDC, Chapter 240, Jackson County Code).
- b) The applicant provides foster care and placement services for abandoned puppies and kittens as well as dogs and cats.
- c) A Conditional Use Permit was granted by the County Legislature on July 19, 2012 (CU-2012-211) by Ordinance #4437 for a period of 3 years.
- d) There is an existing outbuilding located on the applicant's property and they are desirous to use said building in conjunction with the fostering services.
- e) Section 24004.2.c.13 of the Unified Development Code requires that kennel facilities maintain a 200 foot setback from all property lines. Applicant's property is 10 acres in size, 340 feet wide and 1320 feet deep. The outbuilding meets or exceeds the required distance on all but the South side of the property line which has an 85 feet ± deficit.
- f) Condition 6 of the Conditional Use Permit states that if the outbuilding is to be utilized as a kennel facility, a variance is required by the Board of Zoning Adjustment.
- g) A non-use variance is granted when practical difficulties exist that would make it impossible to carry out the strict letter of the Unified Development Code. The applicant must prove that they face practical difficulties.  
The granting of the variance will not adversely affect the rights of adjacent property owners nor will it be opposed to the general spirit and intent of the Unified Development Code. The property currently contains a single family home. There is no substantial change in the character of the neighborhood of substantial detriment to adjoining properties.
- h) The variance desired will not adversely affect the public health, safety or general welfare.
- i) The granting of the variance will not alter the character of the surrounding area.

## CONCLUSIONS OF LAW

1. The Board concludes that under the provisions of Jackson County Ordinance 2363, Enacted June 1, 1995, (Unified Development Code) and ordinance 4203 adopted on April 19, 2010, it is empowered to hear appeals from any persons aggrieved by a public officer in administering County Zoning Regulations. Further the Board may vary or modify the application of any of the regulations or provisions so the intended regulations shall be strictly observed, public safety and welfare secured and substantial justice done. In exercising its powers, the Board may in conformity with the provisions of the Jackson County Unified Development Code, reverse or affirm wholly or partly, or may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

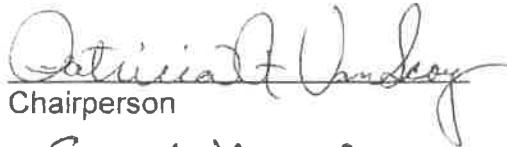
2. The Board concludes that Section 24003.23, Chapter 240 of the Jackson County Code empowers the Board to grant a variance provided that such variance will not seriously injure the appropriate use of neighboring property and will conform to the general intent and purpose of Chapter 240 of the Jackson County Code.

3. The Board concludes that public notice of the hearing before the Board was given in the Independence Examiner on July 23, 2013 that thereafter such hearing was held on August 7, 2013 in the manner and form provided by law.

AND THE BOARD CONCLUDES THAT AFTER CAREFULLY WEIGHING THE EVIDENCE presented by the applicant and the staff that the granting of the variance is reasonable and proper, will not seriously injure the appropriate use of neighboring property and the granting of the variance will be in keeping with the scope, general intent and purpose of Chapter 240 of the Jackson County Code.

IT IS THEREFORE ORDERED ADJUDGED AND DECREED BY THE BOARD that the request is GRANTED a non-use variance of 85 feet ± to the required 200 foot setback for a kennel facility as set forth at Section 24004.2.c.13 of the Unified Development Code (UDC, Chapter 240, Jackson County Code) within District AG (Agricultural). The 10 ± acres are located at 10621 S. Spainhour Road, lying in Section 36, Township 48, Range 30, by a vote of 4 to 0 in favor of the Board Members.

IT IS THEREFORE FURTHER ORDERED that an attested copy of the Findings, Decisions and Order be mailed to the applicant and interested parties.

  
Chairperson

  
Executive Secretary

Order made this 21<sup>th</sup> day of August, 2013.

This Order approved as to form by

  
Legal Counsel

STATE OF MISSOURI    )  
  ) ss  
COUNTY OF JACKSON )

I, Mary Jo Spino, Clerk of the County Legislature within and for the County aforesaid, hereby certify that the foregoing is a true copy of the Order of record in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of said County in my office in Kansas City, Missouri on this 27<sup>th</sup> day of August, 2013.

Mary Jo Spino  
Clerk of the County Legislature



**From:** Archdia@aol.com  
**Sent:** Wednesday, October 14, 2015 3:58 PM  
**To:** Randy D. Diehl  
**Subject:** Public Hearing CU-2015-217

Randy, I do not think that it is in the best interest of the neighborhood, I do not think that the permit should be renewed at this time. This lowers the property value and is a nuisance to everyone in the area.

Perry Benson  
Carmel, IN