

Request for Legislative Action

Ordinance No. 5829
Date: February 19, 2024

Completed by County Counselor's Office

Action Requested:	Ordinance	Res.Ord No.:	5829
Sponsor(s):		Legislature Meeting Date:	2/19/2024

Introduction

Action Items: ['Authorize']

Project/Title:

RZ-2024-664 – Michael & Karen Horsch

Request Summary

Requesting a change of zoning from District AG (Agricultural) on 3.34 ± acres to District RE (Residential Estates). The purpose is to decrease the building setback requirements at 25403 E. 99th Street. 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 January 18, 2024, and accepted testimony pertaining to the rezoning request. There was no opposition to the request.

The Plan Commission voted 5 to 0 to recommend APPROVAL to the County Legislature.

Contact Information

Department:	Public Works	Submitted Date:	1/31/2024
Name:	Randy D. Diehl	Email:	RDiehl@jacksongov.org
Title:	Development Administrator	Phone:	816-881-4577

Budget Information

Amount authorized by this legislation this fiscal year:			\$ 0
Amount previously authorized this fiscal year:			\$ 0
Total amount authorized after this legislative action:			\$
Is it transferring fund?			No
Single Source Funding:			
Fund:	Department:	Line Item Account:	Amount:
			!Unexpected End of Formula

Request for Legislative Action

Prior Legislation	
Prior Ordinances	
Ordinance:	Ordinance date:
Prior Resolution	
Resolution:	Resolution date:

Purchasing	
Does this RLA include the purchase or lease of supplies, materials, equipment or services?	No
Chapter 10 Justification:	
Core 4 Tax Clearance Completed:	
Certificate of Foreign Corporation Received:	
Have all required attachments been included in this RLA?	

Compliance	
Certificate of Compliance	
Not Applicable	
Minority, Women and Veteran Owned Business Program	
Goals Not Applicable for following reason: not spending money	
MBE:	.00%
WBE:	.00%
VBE:	.00%
Prevailing Wage	
Not Applicable	

Fiscal Information
•

Request for Legislative Action

History

Submitted by Public Works requestor: Randy D. Diehl on 1/31/2024. Comments:

Approved by Department Approver Lisa Honn on 2/2/2024 12:02:49 PM. Comments: Approving for B Gaddie due to a technical issue. lh

Not applicable by Purchasing Office Approver Lisa Honn on 2/2/2024 12:12:11 PM. Comments: Approving for C Reich due to technical issue. lh

Approved by Compliance Office Approver Ikeela Alford on 2/2/2024 12:21:55 PM. Comments:

Approved by Budget Office Approver David B. Moyer on 2/2/2024 12:28:35 PM. Comments:

Approved by Executive Office Approver Sylvya Stevenson on 2/2/2024 1:07:02 PM. Comments:

Approved by Counselor's Office Approver Jamesia Manning on 2/15/2024 12:34:53 PM. Comments:

RZ-2024-664

ATTACHMENT 1: PROPERTY DESCRIPTION

Description:

Lot 32, Timber Meadows, 4th Plat, a subdivision in Jackson County, Missouri

RZ-2024-664

ATTACHMENT 2: ZONING SUPPORT DOCUMENTATION

Attachments

Plan Commission Public Hearing Summary from January 18, 2024

Staff Report

Zoning map of surrounding area

Names and addresses of surrounding property owners

Letter to surrounding property owners

Application

Aerial of location

Plot Plan

Randy Diehl gave the staff report:

RE: RZ-2024-664

Applicant: Michael M Horsch

Location: 25403 E 99th Street

Area: 3.34 ± 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. Timber Meadows 4th Plat was created in 1979, 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 applicant is wishing to decrease the sideyard setbacks for future construction. The rezoning will reduce the sideyard setbacks from 30 feet to 15 feet.

County Plan:

The County Plan Development Diagram illustrates this area within the Suburban Development Tier (SDT).

Recommendation:

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

Staff recommends APPROVAL of RZ-2024-664.

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

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

There were none.

Mr. Antey: *Is the applicant here?*

Mchael Horsch: 25403 E. 99th Street.

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

Mr. Horsch: No I don't.

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.

Motion to take under advisement.

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

Discussion under advisement

Mr. Crawford moved to approve. Mr. Lake seconded.

Mr. Lake	Approve
Mr. Farrar	Approve
Mr. Crawford	Approve
Ms. Ryerkerk	Approve
Chairman Antey	Approve

Motion Carried 5 – 0

STAFF REPORT

PLAN COMMISSION

January 18, 2024

RE: RZ-2024-664

Applicant: Michael M Horsch

Location: 25403 E 99th Street

Area: 3.34 ± 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:

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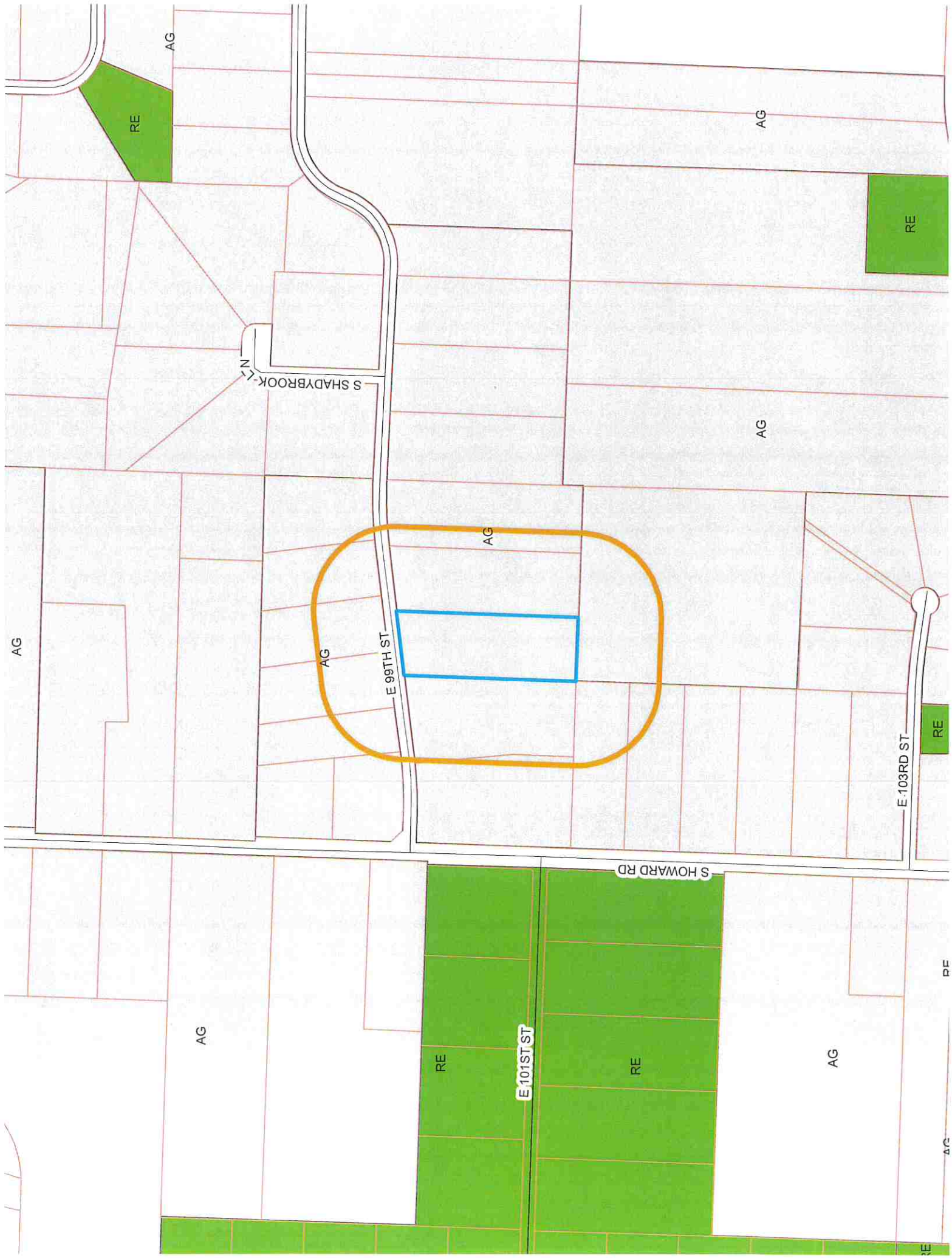
Recommendation:

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

Staff recommends APPROVAL of RZ-2024-664.

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator



RZ-2024-664

Property Owners Within 185 feet

Parcel	owner	address	city	state	zip
53-700-01-39-00-0-00-000	BUXBAUM ROBERT E & MARY K TRUSTEE	10109 S HOWARD RD	LEES SUMMIT	MO	64086
53-700-01-60-00-0-00-000	CHARLES & JUDITH GEHRKE TRUST	25305 E 99TH ST	LEES SUMMIT	MO	64063
53-700-01-40-01-0-00-000	CUMBERFORD RONALD A & ANGIE L	37604 E CLINE RD	LONE JACK	MO	64070
53-700-01-28-00-0-00-000	FANSLER ROBERT W III	25500 E 99TH ST	LEES SUMMIT	MO	64086
53-700-01-36-00-0-00-000	HUNT THOMAS R & GEORGIA E	25501 E 99TH ST	LEES SUMMIT	MO	64086
53-700-01-37-00-0-00-000	KELLEY MITCHELL B & CYNTHIA F-TRUSTEES	25509 E 99TH ST	LEES SUMMIT	MO	64086
53-700-01-30-00-0-00-000	LASCOE DUANE & JEAN	25310 E 99TH ST	LEES SUMMIT	MO	64086
53-700-01-59-00-0-00-000	LATTERELL TROY W & ANDREA C	10013 S HOWARD RD	LEES SUMMIT	MO	64086
53-700-01-27-00-0-00-000	LUZUM JEFFREY A & DORRIS A	25508 E 99TH ST	LEES SUMMIT	MO	64086
53-700-01-31-01-0-00-000	MILLER HAROLD M JR & JANET K	25304 E 99TH ST	LEES SUMMIT	MO	64086
53-700-01-29-00-0-00-000	PRESSLY ROBERT B & JANET S	25406 E 99TH ST	LEES SUMMIT	MO	64086
53-700-01-32-02-0-00-000	WALDEN MANOR LLC	PO BOX 191	LEES SUMMIT	MO	64063
53-700-01-41-00-0-00-000	WHEAT LAURA	10117 S HOWARD RD	LEES SUMMIT	MO	64086
53-700-01-35-00-0-00-000	HORSCH MICHAEL MATTHEW-TR	25403 E 99TH ST	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

January 3, 2024

RE: Public Hearing: RZ-2024-664
Michael & Karen Horsch

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 Michael & Karen Horsch for a change of zoning from District AG (Agricultural) on 3.34 ± acres to District RE (Residential Estates). The purpose is to decrease the building setback requirements at 25403 E. 99th Street.

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 300' of the subject property.

The public hearing on this matter will be held by the Plan Commission on Thursday, January 18, 2024 at 8:30 a.m. in the Large Conference Room, 2nd 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,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

Frank White, Jr., County Executive

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

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- 2024-664

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 _____

BEGIN APPLICATION HERE:

1. Data on Applicant(s) and Owner(s):

- a. Applicant(s) Name: Mike Horzsch
- Current Mailing Address: 25403 E. 99th Lee's Summit MO 64086
- Phone: 816 668 8873 email: MHorzsch-0253@GMail.com
- b. Legal Owner of Property: Karen M Horzsch
- Current Mailing Address: 25403 E. 99th Lee's Summit, MO 64174
- Phone: 816-668-8873 email: MHorzsch-0253@GMail.com
- b. Legal Owner of Property: _____
- Current Mailing Address: _____
- Phone: _____ email: _____

2. General location (Road Name) 99th & Howard
3. Present Zoning A9 Requested Zoning R-E
4. AREA (sq. ft. / acres) 3.34 ac
5. Legal Description of Property: (Write Below or provide copy of deed and survey)
Lot 32 Timber Meadows
6. Present Use of Property: Personal Residence
7. Proposed Use of Property: Same
8. Proposed Time Schedule for Development: ASAP
9. What effect will your proposed development have on the surrounding properties?
Negative
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? NO
11. Describe the source/method which provides the following services, and what effect the development will have on same:
- a. Water Provider none PWSD 13
- b. Sewage disposal: Onsite Waste Water ☒ Public Sewer ☐
- c. Electricity yes ENERGY
- d. Fire and Police protection no SOUTHERN JCSO
12. Describe existing road width and condition: 28' Good
13. What effect will proposed development have on existing road and traffic conditions? None

14. Are any state, federal, or other public agencies approvals or permits required for the proposed development? Jackson County

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

The LEGAL OWNER(s) of the property must be signatory to this application. If the owner is also the applicant then only the Property Owner portion needs to be filled out. Applications will not be accepted to move forward without the proper signatories.

Verification of ownership will be made using the Tax Rolls and the Recorder of Deeds database.

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

Property Owner(s)



Date

12/12/23

STATE OF

Missouri

COUNTY OF

Jackson

On this 12th day of December, in the year of 2023, before me the undersigned notary public, personally appeared Karen M Hirsch

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.

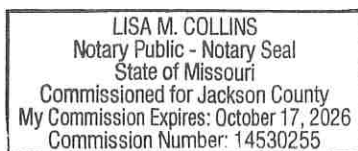
In witness whereof, I hereunto set my hand and official seal.

Notary Public



Commission Expires

10-17-2026



The LEGAL OWNER(s) of the property must be signatory to this application. If the owner is also the applicant then only the Property Owner portion needs to be filled out. Applications will not be accepted to move forward without the proper signatories.

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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

Property Owner(s)

Michael M Horsch

Date

12-12-23

STATE OF

Missouri

COUNTY OF

Jackson

On this 12th day of December, in the year of 2023, before me the undersigned notary public, personally appeared Michael M Horsch

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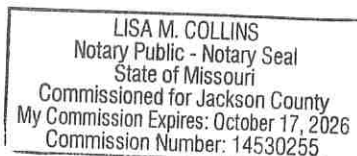
In witness whereof, I hereunto set my hand and official seal.

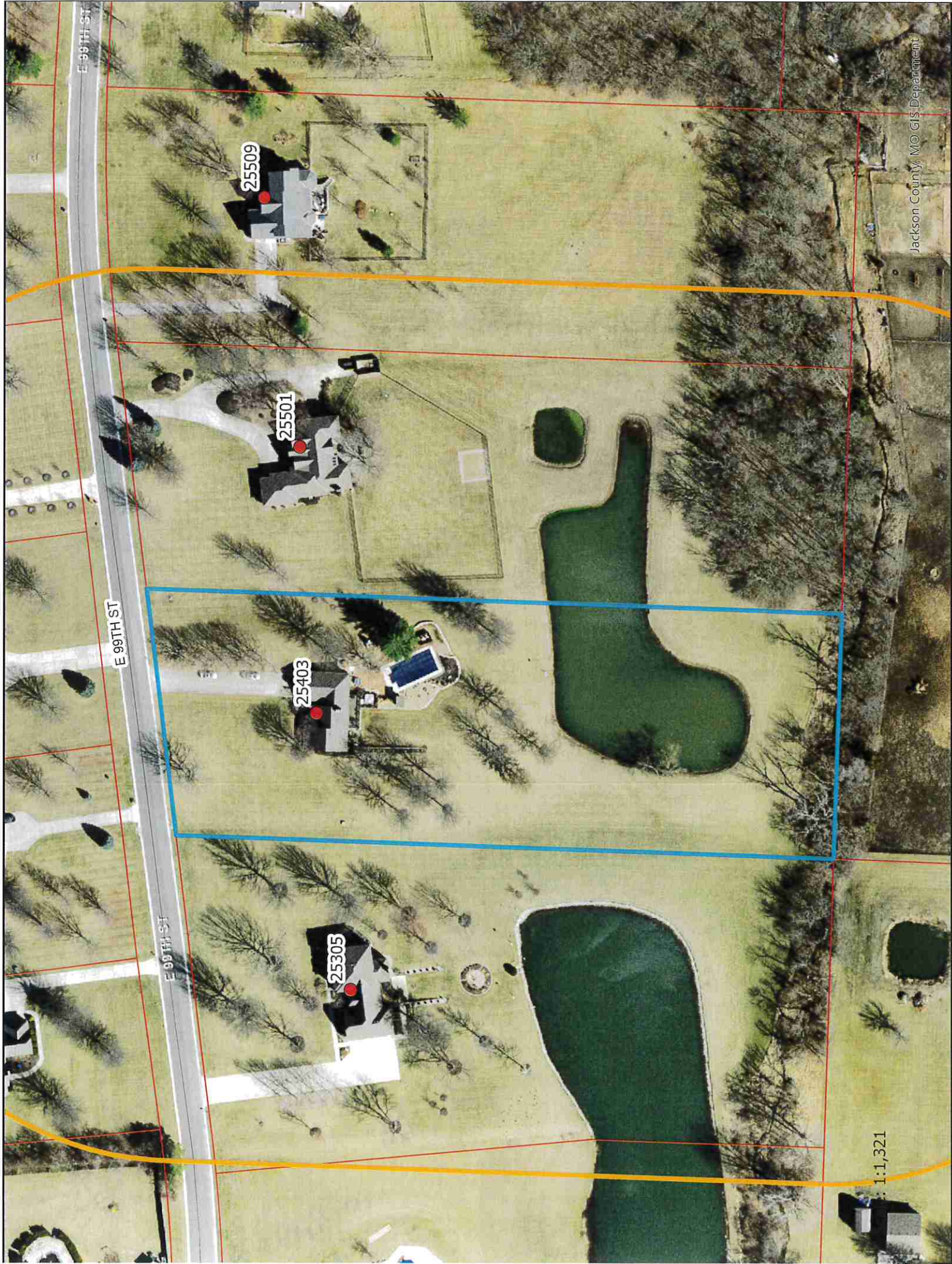
Notary Public

Lisa M Collins

Commission Expires

10-17-2026

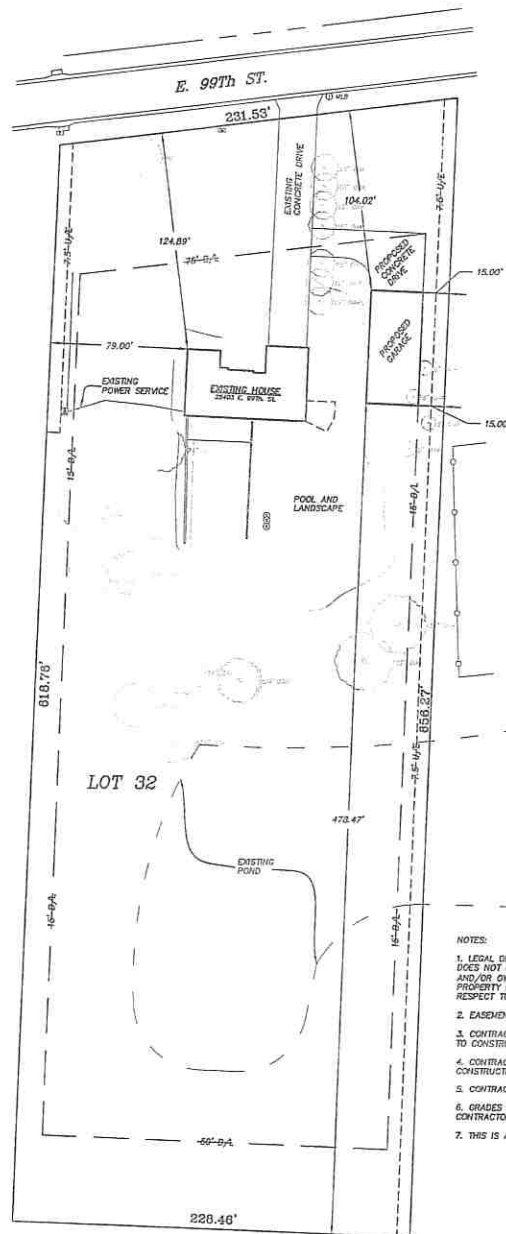




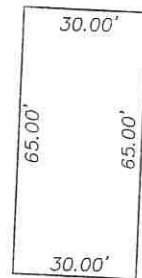
Description: As Provided by Client

Lot 32, TIMBER MEADOWS, 4TH PLAT,
a subdivision in Jackson County, Missouri.

PLOT PLAN



PROPOSED GARAGE DETAIL
Not to Scale



NOTES:

1. LEGAL DESCRIPTION OF PROPERTY PROVIDED BY CONTRACTOR. THIS PLOT PLAN DOES NOT CONSTITUTE OR REPRESENT A BOUNDARY SURVEY. THE CONTRACTOR AND/OR OWNER SHALL BE RESPONSIBLE FOR VERIFICATION OF PROPERTY BOUNDARY, PROPERTY CORNERS, DEED DESCRIPTIONS AND LOCATIONS OF PROPOSED HOUSE WITH RESPECT TO PROPERTY LINES.
2. EASEMENTS, BUILDING LINES AND SET-BACKS TAKEN FROM RECORDED PLAT ONLY.
3. CONTRACTOR TO VERIFY LOCATION AND DEPTH OF SANITARY SEWER SERVICE PRIOR TO CONSTRUCTION.
4. CONTRACTOR TO VERIFY ALL DIMENSIONS, ELEVATIONS AND LOCATIONS PRIOR TO CONSTRUCTION.
5. CONTRACTOR TO VERIFY CONDITION OF ALL FILL PRIOR TO CONSTRUCTION.
6. GRADES ARE SUGGESTED GRADES ONLY. FINAL GRADING AND ELEVATIONS SHALL BE CONTRACTOR'S RESPONSIBILITY.
7. THIS IS A REPRESENTATION OF THE STRUCTURE AS STATED BY THIS COMPANY.



Ordered By: D&D Building, Inc. PO Box 7014 Lee's Summit, MO 64064	
LOVELACE & ASSOCIATES, LLC LAND SURVEYING AND PLANNING SERVICES 929 SE 3RD ST / P.O. BOX 68 Lee's Summit, MO 64063/816-347-9997	
Drawn by: MLR Checked by: J. Lovelace DATE: 01/20/2024	SCALE: 1" = 40' JOB NO. 24007